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**How do Commercial Lawyers Construct and Negotiate Their
Identity in the Transition to Retirement?**

A thesis
submitted in fulfilment
of the requirements for the degree
of
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at
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Abstract

Retirement, a stable concept for much of the 20th century, is becoming more fluid as governments, organisations, and individuals seek to deal with the myriad of challenges associated with an ageing population that is living longer and is more highly educated than previous cohorts. The baby boomer cohort's belief that they still have much to offer society is challenging static and policy-driven meanings of retirement. However, the cohort's challenge is being made against a backdrop of an ageist society, where the close connection between retirement and chronological age, sees individuals who leave full-time employment as moving away from employment related positions of status, power, and perceived productivity. By exiting formal employment arrangements, retirees move to positions stigmatised as non-productive positions on the margins of society. The stigma and marginalisation of those retired is linked to arguments that those in occupations that are of high status, such as the professions and high-performance sport, resist retiring. The purpose of this research was to investigate the experiences of retirement for men in high status occupations.

This qualitative study draws on social constructionism, identity, life course transitions, and professionalism. Focusing on depth rather than breadth, this research explores these complex concepts using insights from in-depth interviews with four men from the legal profession. The four research participants identify as New Zealand Europeans, high earning ex-commercial lawyers transitioning to retirement or retired. The research asks how have these participants constructed and negotiated their identity in the transaction to retirement.

Underpinning the discussion were the three broad topic areas that emerged from the findings: the tyranny of ageism, commercial lawyers transitioning to retirement, the importance of work-related roles and non-work-related roles in the transition to retirement. Consistent with the literature, the findings demonstrate that the healthier and increased longevity of baby boomers highlights the much wider range of opportunities available in the transition stage between work and retirement. Opportunities that these

four participants are embracing to different degrees. As a result, the participants' experiences demonstrate that traditional understandings of retirement need to change. Retirement should not be seen as a fixed and one-dimensional life course transition. However, their decision-making is as much influenced by their personal attributes or essential identity as by their high-status legal professional work identity. Therefore, when considering the implications for high status professions, it is important to consider work and non-work identities influence on transitions to retirement decision making. This study highlights the insidious nature of ageism and its negative impact on the construction of identity in the transition to retirement.

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Chapter 1: Introduction

Introduction

New Zealand's population is aging at an accelerated rate, while the proportion of other age groups is declining. Statistics New Zealand predicts that by 2028 20% of New Zealand's population will be aged 65+ and by 2050 that figure is predicted to have increased to 25% (Statistics NZ, 2022). One of the reasons for the rapid rise in the aging population is an increase in life expectancy for New Zealanders (Andrews, 2012; Leon et al., 2019). On average, those over 65 are healthier, are better educated than previous generations, and have higher incomes (Manor, 2017). Due to these trends, as the population ages “policymakers and researchers everywhere are keen to predict the impacts of ageing on health and social services, labour force participation, income, and retirement policies – and then to compare the impacts of different policies and interventions” (Kowal et al. 2014, p. 282).

It is important to see older workers, whether pre- or post-retirement, as a heterogeneous rather than homogenous group. This is because “a deeper understanding of late-career differences and pathways is needed for policy-makers and employers to help our diverse older workers achieve sustainable career pathways and prolong (for those who need or want it) productive participation in the workforce” (Amarnani, 2023, p. 455). Even though there are now a multiplicity of options available to older people, volunteer work (including formal and informal care) is still largely seen as the acceptable time filler for retirees (Lengfeld & Ordemann, 2016; Turner et al., 2020).

The ageing population raises a series of sociological and policy-based issues. Just as society values youth economically and socially, once you take on characteristics associated with being older, such as visible signs of aging—chronological age, grey hair, wrinkles, type of clothing, physical slowing down—your perceived value as a productive

member of society decreases (Froidevaux, et al., 2024; Manor, 2017). Thus, it is not aging we need to be concerned about, it is ageism.

The latter occurs when age is used to categorise and divide people in ways that lead to harm, disadvantage, and injustice and erodes solidarity across generations. (World Health Organization, 2021, p. xv). False and negative stereotypes around aging and older people are so ingrained in cultures that they are accepted as universal and true (Amarnani, 2023; Weir, 2023). Being old or the ageing process is seen as representing decay, decline, and dying (Manor, 2017; World Health Organization, 2021). In terms of policy issues, health and education are part of the discussion, though the most significant are the growing cost of superannuation and what it means to 'retire'.

In addition to significant problems, such as how to pay for the superannuation requirements of this healthier older population (Calasanti, 2020), the incongruence between chronological age and biological/functional age is an important retirement issue for politicians and future research (World Health Organization, 2021). In particular, there is a need to understand the difference in biological age as opposed to chronological age, leading to a need to understand the different experiences of retirement - or not - of healthier older adults (Manor, 2017). Clearly, the discrepancy between biological and chronological age means the traditional trajectory to retirement is changing (Manor, 2017). Even so, the socially accepted concept of retirement continues to link the age of retirement with access to superannuation (Manor, 2017) - in New Zealand 65 years (Human Rights Act 1993, s. 21(1)(i)(i)). However, there are a variety of definitions for the term 'retirement'. For the purposes of this research, Froidevaux et al.'s (2018) definition is used: "individuals [who] exit from the workforce at the end of their careers" (p. 229). In particular, there is need to understand the role of ageism in the decision to retire and challenge the occupational life cycle model that developed during the 19th and 20th centuries (the model is described in Chapter Two).

In the 20th century it was expected that individuals would retire in their 60s due to the view that older people should rest, take care of younger family members, or would be too

old to be employed due to cognitive or physical decline (Moen & Lam, 2015). However, from a biological/functional age perspective, the current reality is that older people are generally physically and mentally able to function at a higher level than previously recognised; for example, a retiree's ability to walk freely without pain means that they do not feel their age. However, social norms and historical practices means that once people reach a certain age, chronologically they are seen as old (Zabel & Baltes, 2015). While the changing biological age of an aging population cannot be denied, neither can the changing functional age of that ageing population (Manor, 2017).

Different occupational and professional identities have also influenced how and when the choice to retire is enacted. Some choices are influenced by changing physical or cognitive ability. Examples here include jockeys, builders, plumbers, elite athletes, farmers, police officers, surgeons and airline/commercial pilots. In the case of judges or policies such as medical retirement due to illness, there might not be a choice. For example, the compulsory retirement age for New Zealand judges is 70 (Senior Courts Act 2016, s.133 (1) (2)) aligning with some overseas jurisdictions (Blackham, 2016). With only a few such exceptions, there is no longer compulsory retirement in New Zealand, yet as one participant in the study identified, there are unwritten but 'accepted' retirement dates.

Just as there are reasons for choosing to retire, such as established financial security, expectations of partners, ill health, job automation, job loss or lack of job opportunities, there are reasons for choosing not to retire, such as still having much to offer an organisation, skill shortages, financial insecurity, loyalty to an organisation, reluctance to lose a work identity and social connections, and avoiding the stigma of ageist perceptions of retirees (Davey, 2008). Whether forced or chosen, retirement often represents a significant turning point and role transition in a person's life course (Manor & Holland, 2022). For professionals such as doctors or commercial lawyers, who may have built their main identity around their work identity, adjusting to retirement can be challenging, and raise questions about identity and purpose in the post-retirement phase of life (Manor & Holland, 2022).

The transition from employment into traditional retirement sees individuals move away from socially constructed, centrally located positions of status and power and a perceived productive role in society as 'employed' (Manor & Holland, 2022). They move instead to a socially constructed implied non-productive position on the margins of society as 'retired' - unless they continue with some form of paid work and create a hybrid identity transitioning between being a productive member of society and a non-productive retired identity (Manor & Holland, 2022).

A considerable amount of published retirement literature has focused on the financial implications of retirement (Hotwagner, 2016; Prast & van Soest, 2016; Reyers, 2018; Sturr et al., 2021; Tomar et al., 2021; Yeh, 2022). One exception is the literature available on retirement transition and the identity construction of retired elite sportspeople (Cosh et al., 2013; Lenton, 2020; (Silver, 2018). There is scarce analysis of identity construction and negotiation in the transition to retirement and post-retirement (Bordia et al., 2020). There is also limited research available relating to the way in which members of professions construct and negotiate their identity in the transition to retirement within New Zealand and globally. Two identity theories (Adams & Rau, 2004) relevant to this thesis are Social Identity Theory and Role Identity Theory. Social Identity Theory developed by Henri Tajfel (Tajfel, 1978) explains how when an individual is part of a/many social group/s ('we' rather than 'me'), they create and position themselves in society. Role Identity Theory, attributed to Mead amongst others (Mead & Morris, 1934; Randel et al., 2005), looks at how individuals choose to operate within a social system ('me' rather than 'we') (Bordia et al., 2020). As Pope et al. (2014) explains, "this implies that, through the interactions individuals have in a given role, they learn the behavioural expectations held within society for that role. This in turn will determine their corresponding thought processes and actions" (p. 137), for example, the construction of a retiree identity.

Some professions have identified issues in relation to retirement, with the legal profession in particular highlighting that retirement—particularly in small firms—is not taken until quite late in relation to chronological aging (Melville et al., 2021). Therefore, an investigation into retirement decision-making and identity transitions fills some significant

gaps in the retirement literature on high-status workers and identity formation-reformation processes.

1.1 Research aims and questions

The aim of this research is to identify how four commercial lawyers constructed and negotiated their identities in the transition to retirement. Located within an epistemological social constructionist framework, the research employed qualitative analysis to explore participants' lived experiences.

As there is no universal experience of retirement it is important to acknowledge and understand the social reality of how individuals navigate the transition to retirement (Amarnani et al., 2023). Social construction is a useful theoretical lens through which to view individuals negotiating retirement. The social constructionist framework which underpins this research was selected to address the following three research themes: participants' pre-retirement role as a commercial lawyer and associated professional legal identity; their identity construction and negotiation during the transition to retirement process; and their identity construction and negotiation in retirement. Social Identity Theory and Role Identity Theory were drawn upon to help make sense of each participant's 'commercial law practitioner social identity' and the transition into the 'retiree social identity'.

While it is important to consider the retirement experiences of marginalised groups, this research chose to focus on a dominant group—retired male commercial lawyers. As former members of a profession with ascribed status and power, they represent a significant and growing part of the New Zealand population. Exploring the experiences of such a group can shed light on the impact of high-status occupations on retirement decision-making and identity formation. The four participants belonging to this dominant group, identifying as male and New Zealand European, had a high-income level. Of note here is that the letting go of a high-status role such as that of a commercial lawyer during the transition to retirement can be difficult (Conroy & O'Leary-Kelly, 2014; Manor, 2017).

The research participants in this study are baby boomers who likely grew up hearing songs of social change and social protest, for example, “There’s gonna be a revolution oh yeah’, John Lennon’s anti-war song (Beatles, 1968); Helen Reddy and “I am Woman’ (Reddy, 1972), a song taken to be about the empowerment of women; and Joni Mitchell’s Big Yellow Taxi (Mitchell, 1970), about environmental destruction. This cohort, who challenged the social norms and traditional life courses in relation to marriage, sexuality, second-wave feminism, civil rights, and homosexuality are now moving into retirement. The research also explores if, during the transition to retirement, the participants enact an identity for each role, based on how they want to perceive themselves and how they want others to perceive them, as part of a distinct group.

1.1.1 Research questions

The overarching research question for this research is: How do commercial lawyers construct and negotiate their identity in the transition to retirement.

1. To what extent does their former identity as a lawyer contribute to the construction of their retirement identity?
2. To what extent do they make room for developing a non-lawyer identity in retirement?
3. What are the newly constructed parts of their retired identity which do not relate to being a lawyer or the associated professional legal identity?
4. How have they negotiated the transition process between their identity as a lawyer and their identity as a retired person?

1.1.2 Research design

This research delves into the lived experience of four commercial lawyers and their transition to retirement. I chose to work with a small number of participants, which aligns with Woolcott’s view “Do less more thoroughly” (Woolcott, 2009, p. 95). I took a qualitative approach to my study. The participants were identified through personal networks. I interviewed each participant individually using a semi-structured set of questions. The participants were each interviewed three times either face-to-face, using Microsoft

TEAMS, or by telephone. The first two interviews were between 60 to 90 minutes long, and the third, a follow-up interview, was around 30-minutes long. Semi-structured interview questions ensured a flexible approach was used to explore, in-depth, the participants' responses. The interviews covered three key areas: 1) the participants' career paths from secondary school to the current time; 2) retiring or resigning from the partnership; and 3) the transition to retirement. The interviews were conducted in 2023 and 2024 and were recorded and transcribed (using Otter AI software). All interview data was analysed using thematic analysis (Braun & Clarke, 2021), which I describe in some detail in Chapter Four Methodology. Taking an inductive approach allowed me to respect the information shared by the participants and there were no pre-determined categories or themes identified.

1.2 Thesis layout

This thesis is organised into seven chapters. Chapter One herein introduced the study and its focus, its theoretical background, research methods, and the significance of the research purpose and aim.

Chapter Two outlines the theoretical framework. The framework is underpinned by social constructionism and includes the key concepts of identity, life course transitions and professionalism. Social construction theory is used to acknowledge the meaning-making process used for professions, the status of work roles, identity stability, transition to retirement, social identity theory, role identity, status, and ageing all of which form the basis of this research. The exploration of the construction and negotiation of identity in the transition to retirement is based on the social identity of high-status commercial lawyer roles and the social identity of the retiree role. Role theory is employed to identify how the participants have enacted each of the two roles as they transition to retirement. Life course theory enables the incorporation of any impact of cohorts, transitions, trajectory, life events, and turning points on the transition to retirement for the participants.

Chapter Three's literature review comprises four sections: ageing, retirement, professionalism, and the legal organisational context. Each section defines key terms and outlines different arguments in the literature on these topics. While cultural constructs such as ageing, retirement and professions are always a work in progress, of particular relevance to this research are the implications of the speed of change and of the changes in meaning each of these constructs is currently going through. Recent studies have highlighted a range of challenges—societal and individual—in relation to ageism, the stigmatisation of aging, the meaning of retirement, and the approaches of traditional professions.

Chapter Four outlines the methodological principles underpinning the study. The chapter describes the research design and process, the research design rationale, and the researcher's positionality. The ethical procedures, the participant selection and recruitment process, and the methods of gathering data are explained. The methods of analysis of the findings are then described.

Chapter five presents the study's main research findings. These are grouped into the five categories that emerged from my analysis of the interviews: status; networks/relationships; competition and work-life balance; meanings of retirement; and successful/unsuccessful retirement. In Chapter Six, the findings are discussed in relation to the literature. However, rather than ordering the information into categories, the common themes running through the categories are identified: change, patterns, identity management, planning, choice, contradiction, and flexibility and adaptability. I highlight the variety of ways that the participants have constructed and negotiated their identities in retirement.

Chapter Seven summarises the main points of the thesis, indicates the implications and limitations of the study, and makes recommendations for future research, including a challenge as to whether the traditional construct of retirement is still relevant in a world where people's chronological age is not necessarily aligned with their functional age

Chapter 2: Theoretical Framework

2.0 Introduction

This research investigates the relationships between retirement, identity, ageing, and transition. In order to explore these relationships, this chapter presents the theoretical framework and each of the associated concepts applied in this research. The chapter begins by illustrating the theory of social construction with the telling of an Indian fable. Following the fable is a brief overview of this theory's history. An account of social construction and power is then given, followed by critiques of social construction. Identity, which is a major component underpinning the research, is covered next along with social identity theory and role identity theory. Next is an introduction to professions and identity, followed by life course theory, the occupational life cycle, and transition and grief.

2.1 Social Construction

An Indian fable tells of six blind men who were begging by the side of the road (Saxe & Galdone, 1963). When an elephant came by, as they had never 'seen' an elephant before, they asked the driver to stop so they could examine the elephant. As they were blind, they examined the elephant by touch with each touching a different part of the elephant. The one that felt the elephant's tusk had a different perception of the elephant compared to the one that felt the elephant's leg. The result was the six individuals in the group had six individual truths based on their experience as to their understanding of an elephant (Saxe & Galdone, 1963). As indicated by the above, people "live in the same world, but they think and feel in different ones" (Lippman, 1922, p. 20, cited in Krueger, 1996).

This parable serves to illustrate a conceptualisation of knowledge consistent with the theoretical lens of social constructionism, which views knowledge as socially constructed through the interactions of people. The social construction theoretical lens views reality

as accomplished not by meaning, typification, or consciousness; social reality is, rather, constructed by processes which are specifically social, such as social actions, social interactions, and institutions” (Knoblauch and Wilke (2016, p. 64).

Social constructionism is often used interchangeably with social constructivism; however, they are not the same theoretical concept (Galbin, 2014). Social constructivism refers to how “each individual mentally constructs the world of experience through cognitive processes” (Andrews, 2012, p. 39), whereas social constructionism is the way in which knowledge and meaning is created through our interactions with others (Galbin, 2014). The overlap between the two is the practice of sense-making (Galbin, 2014). In this research, I draw on both social constructionism and social constructivism. Simply put social constructionism looks outwardly to interactions with others in the creation of knowledge while social constructivism is inward looking and is a cognitive process in the sense-making of an individual’s reality (MacMaster, 2023). Cognitive processes, and associated experiences and identities, are further observed in the identity section introducing role identity theory and social identity theory.

The exact origins of social construction cannot be attributed to one individual (Burr, 2015). According to Knoblauch and Wilke (2016) the term social construction was implied or used previously. However, Goffman’s *The Presentation of Self In Everyday Life* (1959) and Berger and Luckmann’s *The Social Construction of Reality* (1966) are seen as key sociological texts that established the social construction theoretical lens (Burr, 2015). Using the theatre as imagery, Goffman (1959) highlighted the significance of social interactions when seeking to understand how individuals and society construct reality. Berger and Luckmann (1966) introduced ‘social construction’ as a theoretical concept that was popularised across a range of social science research disciplines.

Social constructionism is also seen as a foundation of the 20th-century postmodernism movement. Post-modernism “emphasises the co-existence of a multiplicity and variety of situation-dependent ways of life” (Burr, 2015, p. 14). Multiplicity was also acknowledged by MacKay and Burr (1997, p. 1) who suggest that social construction “follows the [post-

modern] tenets of anti-essentialism, anti-realism, the historical and cultural specificity of knowledge, language as a precondition for thought, language as a form of social action, a focus on interaction and social practices, and a focus on processes” (p. 1).

Adding to this, Romaioli and McNamee (2021) argue that social constructionists see social construction as:

- (a) the recognition of multiple worldviews,
- (b) multiple arguments used as “evidence” of said worldviews, and
- (c) once acknowledged an attempt to co-ordinate such multiplicity.

Romaioli and McNamee (2021, p. 7)

Supporting multiple world views, previous research has shown that in different cultures, while the subject may be the same, the socially constructed meaning might be quite different (Burr & Dick, 2017). For instance, there are different constructions of what it means to be older. One way of viewing these differences is through the different cultural constructs of aging. Just as there is no universal reality in the construction of old age, there is no universal cultural reality; as is seen in Japan, “your children may house you from a sense of filial duty, but wish you could live alone” (Cruikshank, 2013, p.9).

Every culture creates different meaning around aging and death (Cruikshank, 2013). Western Cultures privilege youth over age (Calasanti, 2016; Cruikshank, 2013), as can be seen by commonly heard phrases such as “he is very active for his age” or “she is very attractive for her age”. The underpinning message of such phrases is that ‘old’ people are not active and are unattractive through their association with the decline of old age. Yet differences in meanings associated with aging among cultural groups are not necessarily significant as the challenge is not to establish homogenous definitions of cultural practices and constructs but rather “to broaden the possibilities of understanding” across cultures and time periods (Galbin, 2014, p. 90)

A commonly held belief is that in Eastern Cultures, old age is associated with wisdom, which is highly valued in society and results in older people being visible and included in

the workplace (Voss et al., 2018). While highlighting the danger of universalising findings Voss et al. (2018) found that aging was not seen positively by older people and also not seen positively within the family domain in China. Their results also found that there are no differences in the negative or positive thoughts about older people by younger people from Germany, United States or China. In some Western cultures, older individuals are 'invisible' through being placed in aged care facilities rather than being cared for in multi-generational homes (Cruikshank, 2013; Manor & Holland, 2022). The high usage of aged care for older people in the West is a form of 'visible' invisibility, though the latter takes other forms. For example, those perceived as old are treated with inattention, indifference, or even resentment. They are seen as having nothing of value to contribute, not least in terms of contributing to society through productive work (Calasanti, 2016).

This broadening of understanding is the central point of social construction: not to claim which 'reality' is the "best" or most accurate but to focus on the process of co-ordinating multiplicity. Social construction through acceptance of a multiplicity of viewpoints is not trying to establish a universal truth; instead, it accepts that there are many viewpoints that all contribute to the knowledge of a particular category (Burr, 2015).

2.1.1 Social Construction and Power

In this section I examine the social construction of knowledge and the influence of those in positions of power in portraying their perceived reality as the 'truth'. Beauvoir, (1949,1993), Berger and Luckmann (1966), Burr (2015), and Goffman (1959) all acknowledge the significance of power in social interactions. "He who has the bigger stick has the better chance of imposing his definitions of reality" (Berger & Luckmann, 1966, p. 101).

There have been numerous studies highlighting that from a social constructionist perspective, our everyday interactions with others exist in the political, cultural, historical, and local context in which we create group realities (Berger & Luckmann, 1991; Gergen, 1985; Romaioli & McNamee, 2021; Sveinsdóttir, 2015; Wang, 2016). This suggests that knowledge is not just the result of the negotiation of dynamic human interactions, but is

also constructed through norms, signs, and shared symbols from the different cultures in which individuals are located (MacKay & Burr, 1997). Significantly, some of these cultures can be considered more powerful than others in that norms, signs and symbols may be imposed on others.

Taking a broader view, Galbin (2014) does not see social construction as a case of 'my truth is bigger than your truth'; rather, instead of negating existing knowledge, it adds to it, leading to a multiplicity of viewpoints. In addition, Galbin (2014) argues that the knowledge produced through social interaction can be used as a tool to challenge the until-then-accepted truth of "objective" knowledge or reality and "thereby opening up space for a variety of alternative intelligibilities" (Galbin, 2014, p. 90). Burr (2015) supports Galbin's position, arguing that among the understandings or cultural artifacts of different cultures, no one culture can claim a universal truth.

Social constructionists analyse the use of language as representative of the social reality of ascribed or achieved roles, status, and power (Burr, 1995; Burr, 2015; Burr & Dick, 2017). The focus on language stems from the belief that:

...language is not regarded as a neutral medium but as reflecting the interests (and power) of dominant groups and knowledge systems in a society. Therefore, studying language (or 'discourse') allows insight into how power manifests and is resisted.

(Wigginton, & Lafrance, 2019, p5)

Language and power relations, embedded or reflected in discourse or language, underpin social interactions regardless of where one stands in relation to power and status (Burr, 2015). From a social constructionist perspective, all knowledge created that purports to be the 'truth' is politically driven (Burr, 2015; Wigginton & Lafrance, 2019). This is of concern to social constructionists because the political drive to define one truth is likely "to validate some forms of human life and to invalidate others" (Burr & Dick, 2017).

2.1.2 Critiques of Social Construction

There are multiple critiques of social construction including that it ignores reality; implies that there is no truth; and sees language as the only portrayer of knowledge. In this section I discuss a number of different critiques.

One enduring critique of social construction is that it is relativist; that is, there are multiple truths, and all are equally valid (Burr, 2015). For example, if there is no one truth that is based on empirical evidence, then there is potential for conflict and never-ending chaos (Romaioli & McNamee, 2021).

A second critique comes from realists, who argue that social constructionists ignore the material objective world and suggests that social construction is anti-realist as it is perceived as constructing reality through interactions in the social realm (Romaioli & McNamee, 2021). A realist “assumes that what is reported is a true and faithful interpretation of a knowable and independent entity” (Andrews, 2012, p. 42). A response to this criticism is to ask if realism itself can be seen as a snapshot of reality rather than an interpretation of the situation by the researcher (Hammersley, 1992).

A contemporary example of the tension that exists between these two paradigms is provided by Proctor (2001):

In effect, the constructivist turns the realist question ‘What is the truth about this environmental issue’ into ‘*Whose* truths about this environmental issue are being portrayed as *the* truth?’—clearly a frustrating and deeply worrisome turn to the realist, for whom defense of truth plays a far purer motivational role. (p. 10399)

Another response to the realist critique is from Berger and Luckmann (1966), who were clear that they saw a world that did have an objective reality. Their argument was that social construction as a process was identifying a subjective experienced reality that co-existed with the natural world’s objective reality (Andrews, 2012; Berger & Luckmann, 1966). For example, a person with a physical disability is an objective reality. How the

society in which the person with the disability lives, responds to that person, is socially constructed.

A third critique is that while social construction gives space and freedom for all voices—not just the dominant voices—to create knowledge, it can also provide a constraining mechanism for the owners of the voices. On one hand, it provides previously unheard voices the opportunity to be heard as it provides the opportunity for those voices to create “situations, objects of knowledge, and the social identities of and relationships between people and groups of people” (Fairclough et al., 1997, p. 258). On the other hand, by providing that freedom social construction is also “constitutive both in the sense that it helps to sustain and reproduce the social status quo and in the sense that it contributes to transforming it” (Fairclough et al., 1997, p. 258). Even if the voices of the marginalised are heard, it does not mean that their lived reality changes, as the highlighting of their marginalisation may reinforce the status quo.

Given the meaning of social construction is that knowledge is created through interactions and communication in historical and cultural contexts, identifying gaps in the literature is problematic as the literature is always a work-in-progress.

2.2 Identity

In this section I discuss how social identity theory moves our thinking from ‘me’ to ‘we’ and is underpinned by three categories: self-categorisation, social identification, and social comparison. The importance between work-related roles and non-work-related roles and the transition to retirement is outlined. Also highlighted is how role congruence or role incongruence contributes to identity construction and negotiation in the transition to retirement. The cognitive construction of role identities as a result of social interactions is then explored.

An individual identity is not an individual personal construct; instead, how we as individuals create and develop ourselves is influenced by external social and cultural forces. In the construction of identity, Wenger (1999) sees the individual and the external

social and cultural forces as not separate from each other; rather, they are interdependent and there is a continuous negotiation between the individual and society. This is further explained by Jenkins (2014):

- 'Identity' denotes the ways in which individuals and collectivities are distinguished in their relations with other individuals and collectivities.
- 'Identification' is the systematic establishment and signification, between individuals, between collectivities and between individuals and collectivities, of relationships of similarity and difference.
- Taken - as they can only be – together, similarity and difference of the dynamic principles of identification, and are at the heart of the human world. (Jenkins, 2014, p. 19)

Mediated through social construction, identity is also the product of social interactions between individuals and groups. For instance, the inane 'What do you do?' is a common first question asked when introduced to someone. Understanding what a person 'does' enables an identity to be constructed and a comparison to be made with other individuals and groups (Jenkins, 2014). The response to the question immediately explains where the person is positioned in society; for example, depending on context, a partner in a law firm is instantly positioned as educated, important, wealthy (Manor, 2017).

A person's identity changes—consciously or unconsciously—and depends on the context they are in and who they need to be. "As social beings, people possess and represent multiple identities: they can invoke different identities in different situations or can invoke a given identity in a variety of situations" (SinghaRoy, 2018, p. 13). For example, a police officer, may also be a partner, sibling, spouse, child, taxpayer, member of X congregation, political party supporter, and rugby player.

For each of our identities, we have a level of identification or importance that we—and others—attach to it (Manor, 2017). Which identity comes to the fore will depend on the context. For example, when a rugby-playing police officer is at a post-match celebration, the rugby player identity is likely to be at the fore; if the context changes and someone is

going to drive after drinking at the event, the police officer identity may step forward. A new father may identify as a father more strongly (or not) in the first few months of being a father depending on the level of priority given to that role by the new father (Cosh et al., 2013).

2.2.1 Identity and Social Constructionism

Through interactions such as those described above by Jenkins (2014), the definition of identity and identification, informed by the norms of social, cultural, and cultural behaviour, was developed. For example, commercial lawyers portray themselves—to each other and to those outside of the group—as well educated, knowledgeable, and of high status. One of the earliest proponents of the social construction of identity was Irving Goffman (1959). He notes how identities are formed through performative interactions with others. In Goffman's (1959) example, identities would be enacted using props such as language, clothing, grooming, and cars (possibly delivered to a suitably awed audience).

Goffman (1959) divided an individual's roles into those that are 'frontstage' when the individual is on display or acting, such as when in a meeting, and 'backstage' when they are not on display and no longer need to act, such as alone or with family. Goffman's (1959) main premise is that individuals use impression management when they interact with others to promote a particular impression of their role. Props used in the interactions could be words used, gestures, clothing, vehicle used, home or office furnishings - each prop helping the actor or actors to portray a particular 'role'. The audience of the performance, with its associated props, could decide whether they were going to accept, reject or challenge the role.

Goffman's (1959) expanded on the concept of "symbolic interactionism"—broadly defined as the language, body language, and props used in an individual's daily interactions with others to create meaning—to describe the process of social construction]. Berger and Luckmann (1966) worked with the concept "social processes", broadly defined as the way

that people interact and communicate with others to create their social reality. Both concepts place emphasis on interactions between people and groups in the creation of social constructs, which become embedded—but not fixed—as social norms or ways of viewing the world. It is through the social creation of societal norms and behaviours that identities are created.

2.2.2 Social Identity Theory

This section describes group and individual identity as well as examining the influence of belonging to a profession on the construction of identity for groups and individuals.

I begin by outlining how social identity theory moves our thinking from ‘me’ (the individual) to ‘we’ (the group) and is comprised of three parts: self-categorisation, social identification, and social comparison.

Social identity theory changes the way we think about ourselves from ‘me the individual’ to ‘we, I am part of the group’ – my personal identity. For example, I am a partner (me – the individual) in a law firm partnership; in the legal fraternity, my associates and I (we – the group) share a social identity. Different situations call for different types of shared identities, and each identity is enacted in different ways, although there may be some commonalities between identities (Bordia et al., 2020; Cantwell & Martiny, 2010; Jenkins, 2014; Teuscher, 2010).

The three parts of Social identity theory (Stets & Burke, 2000) are defined as follows:

- Self-categorisation is “the cognitive process that allows humans to streamline perception by separately grouping like for example, gender, age, professional role) and unlike (for example, smoker v non-smoker, young v old, university educated v not university educated) stimuli” (Thoits et al., 1997,p.114).
- Social identification “reflects the notion that people generally do not perceive social situations as detached observers. Instead, their own sense of who they are and how they relate to others is typically implicated in the way they view other

individuals and groups around them” (Ellemers, 2024, December, cognitive processes para.4)

- Social comparison “is the process by which people determine the relative value or social standing of a particular group and its members. For instance, schoolteachers may be seen as having higher social standing than garbage collectors”. Compared with university professors, however, schoolteachers can be seen as having lower social standing” (Ellemers, 2024, December 20, cognitive processes, para.3).

Part of the social comparison process (identifying social groups) is identifying in-groups and out-groups. In-groups are the groups to which you belong, and that group is part of who you are, for example, law practitioners, ‘we in the law’. Out-groups are the groups to which you don’t belong—or to which you don’t want to belong, for example, pre-retirement a high status commercial lawyer (in-group) and post-retirement a retiree (out-group) (Jenkins, 2014). Out groups can reflect social norms that are stigmatised. The stigma can act as a factor in self-identification or represent a threat to other identities held by individuals. A categorisation threat is when an individual is perceived or treated as a member of a group to which they do not want to belong.

As an example of categorisation threat, “retirees, who are identified with a particular age group, do not [necessarily] want to belong to an age-based social category as given the social construction of retirees, this reference group is undesirable to them” (Manor, 2017, p. 997). Wanting to be part of part of positive and distinctive high-status groups is part of the basic way the brain thinks about our social identities. This can result in retirees who actively avoid being seen with someone who looks old or acts in an aged way (Cantwell & Martiny, 2010; Chopik & Giasson, 2017; Teuscher, 2010). In-group favouritism, of which high status groups is one, is where a group is viewed favourably. Our self-esteem can be enhanced by these biases; for example, we belong to the high-status in-group, ‘law practitioners’, and not the low-status out-group ‘retirees’. History, politics, and social

context inform the social construction of in-group and out-group status (Cantwell & Martiny, 2010; Teuscher, 2010);

In summary, social identity theory explains how the groups one identifies with feeds into cultural norms and expectations, for example, the stigma and roles associated with retirement and aging (Stets & Burke, 2000).

2.2.3 *Role Identity Theory.*

Social identity theory focuses on the movement between and establishment of different identities, whereas role identity theory centres on the temporal and contextual nature of specific role identities. This section examines how the individual navigates social structures and other individuals in similar and different roles in the construction and negotiation of their identity.

Role identity theory builds on role theory and is attributed to multiple theorists, including sociologist George Mead (1934) who proposed that the social systems in which an individual operates, underpin their and others' expectations of their behaviour in a particular role or status. Associated with any role are "goals, values, beliefs, norms, and interaction styles" which the individual considers when developing their role identity (Anglin et al., 2022, p. 1479). Stability of role identification leads to the establishment of norms of behaviour that can be predicted as part of the expectation of the roles an individual holds in social systems. Therefore, Role Identity Theory describes the processes through which individuals who hold a role, for example, a law practitioner, interact in a social structure such as a workplace (and outside the workplace) with others within that role or other roles and use those interactions and context to self-categorise their identity (Bordia et al., 2020; Teuscher, 2010).

Some important concepts in relation to role identity are role stability vs instability, role incongruence and role negotiation, the impact of life changes or transition on role identity shifts, and the interplay between work and non-work identities. These are discussed next.

The importance a person and society ascribes to a role identity impacts on the status held by, or given to, the role holder (Thoits, 2012). The higher the level of status for an identity the more stable that identity, for example, the role identity stability of a high-status lawyer during the transition to retirement (Davis & Love, 2017; Teuscher, 2010). In addition, the higher the level of status of a role and the all-encompassing salient nature of particular roles, such as a high-status lawyer or elite athlete, can limit the diversity of role identities held by that individual given the reluctance to let go of such all-encompassing roles (Davis & Love, 2017; Teuscher, 2010). Retirees with a positive attitude towards ageing are likely to see their retirement status as important *and* are more likely to hold a variety of identities in retirement, rather than having an all-encompassing role identity (Teuscher, 2010).

Some roles associated with in- and out-groups or high-status groups hold more or less importance to an individual's self-categorisation. In relation to retirement, for example, the social identity of a retiree, which can be stigmatised, can be less important in the self-categorisation process than the professional identity the retiree used to hold in the labour market (Bordia, et al., 2020; Teuscher, 2010) found that professional work identities continued to be an important part of self-description even though the person was no longer in the role. As a result, she argues that it is important to avoid confusion between a *role* and a *role identity* as they are different constructs. Occupying or performing a role is different from the processes that establish a role as a form of identity. This is important because some roles form a more stable part of an individual's social identity than others (Bordia et al., 2020).

Role stability is when identity with a role remains stable even during times of identity or role instability, such as the transition to retirement (Bordia et al., 2020). For example, when an All Black retires from their high-status sports role, they may keep the high-status identity of an All Black. Bordia et al., (2020) and Davis and Love (2017) identify several factors that can impact the likelihood of change to an individual's role or identity hierarchy. These factors include the salience and importance of a particular role, such as that of a high-income legal partner, and how that is managed by the individual. Therefore, status

has an influence on identity stability. Managing particular roles that they hold, Davis and Love (2017) report, is undertaken by individuals by comparing each of their identities to the other identities they hold, and by assigning an 'importance rating' that can change over time. The authors found that individuals with multiple roles tend to be more flexible in their response to changing the hierarchy of role importance than those with limited roles, who are more likely to maintain a less flexible role importance hierarchy (Davis & Love, 2017).

Along the same lines, Burke (2004) argues that two specific catalysts cause individuals to alter the meanings they attach to their personal, role-based, and group identities: significant and/or persistent discrepancies in situational inputs related to their identity, and the concurrent performance of multiple, conflicting roles. Burke (2004) calls the first catalyst, role incongruence, and the second, role negotiation. Work or family roles, and the meaning individuals attach to these roles, can change if the individual's social interactions with, for example, the social structure of work, are incongruent with their role's prescribed or ascribed status (Davis & Love, 2017). This incongruence can lead to identity non-verification which then leads to situational identity instability (Davis & Love, 2017). This instability can be a precursor to identity change, either strengthening the identity standard or weakening it. (Burke, 2006). An example of this would be a retired person trying to bring their previous work role into their retired identity.

A similar theoretical model to Burke's (2006) model of identity incongruence and negotiation was created by Froidevaux et al. (2018), integrating social identity, self-categorisation, identity negotiation, and interpersonal perspectives. The model also identifies factors which *reduce* identity incongruence contributing to role stability. Individual factors which reduce identity incongruence include chronological age and subjective age, mental and physical health problems. Organisational factors such as Human Resource Management formal succession plans reduce identity incongruence, as well as retirement-related factors such as retirement planning/counselling, and positive retirement attitudes. Identity incongruence increases motivation to engage in identity transition negotiation which in turn reduces identity incongruence. A variety of high-quality

exchange relationships reduces identity incongruence and improves retirement adjustment quality. Conversely, there are a number of factors which *intensify* identity incongruence. For example, socio economic factors such as the desirability of the work status and social norms for working longer intensify identity incongruence. Organisational and job-related factors such as work role centrality and involuntariness of the transition intensifies identity incongruence resulting in improved role stability (Froidevaux, et al., 2018).

2.3 Professions and Identity

Professions are a specific kind of occupational work or role identity. The traditional meaning ascribed to the construct of a profession and that of belonging to a profession is in a state of flux (Thornton, 2021). However, it is still useful to consider somewhat fixed and traditional conceptualisations of the ‘professions.

2.3.1 Defining professions and professionalism

A definition of professions by Wilensky (1964) separated professions, for example, the legal profession, from the role or professional identity held, for example, commercial lawyer. The exclusiveness of the professions can be seen in a comment by Wilensky (1964) ‘very few occupations will achieve the authority of the established professions’ (p.137).

According to Parquette (2012) professional groups are distinct from occupations as they possess:

- (a) a distinct body of technical knowledge
- (b) a certain level of commitment, from the part of the members to the professional norms of practise
- (c) an association or peer group that aims at regulating the entry into the practice, and controls the professional practice ends its transformation.

- (d) Monopoly of the practice - that is to say that the group has successfully acquired or secured its dominance over its respective practise, thus suppressing any competition and acquiring full authority over the practise.

(p.4)

The characteristics Parquette outlines above contribute to the effectiveness, credibility, and value of professional groups.

Forty years later the Australian Council of Professions (2003) gives the following definition for profession:

A Profession is a disciplined group of individuals who adhere to ethical standards and who hold themselves out as and are accepted by the public as possessing special knowledge and skills in a widely recognised body of learning derived from research, education and training at a high level, and who are prepared to apply this knowledge and exercise these skills in the interest of others.

(Australian Council of Professions, 2003, para. one).

From the 1850s in order to belong to a profession “educational qualification and professional training” (Dent, 2024, p. 26) requirements had to be met. Achieving educational qualifications enabled a merit-based system that meant that there was no discrimination in relation to “gender, race and ethnicity, or class” (Dent, 2024 p.27). Given the barriers to obtaining education and a host of other factors, the professions remained an exclusive white male club “intent on pursuing strategies of exclusion to maintain their monopoly jurisdiction over crucial activities within society” (Dent, 2024, p.27). According to Thornton (2021), “central to professionalism historically, albeit operating sub silentio, are masculinity, whiteness and class” (p. 243), cementing in a set of expectations and assumptions about how professionals look and act. These aspects were reinforced by the way professionals are “assumed to be completely trustworthy, very knowledgeable and highly skilled (Dent, 2024 p. 32). Yet as is outlined in the next change to the meaning of profession was evident.

2.3.2 Changing meanings of professionals

Some of the more recent changes to the meaning of professions and professionalism have resulted from the political, cultural, historical, and local context in which professions, such as the legal profession operate. Of late, there has been much debate regarding the meaning of profession, suggesting that the historical understanding needs to change. In the legal profession, these debates have been triggered by a range of factors: the increasing use of technology, such as Artificial Intelligence (AI); remote working; in-house legal counsels; globalisation; changing client expectations; flexible working; increasing compliance; and commercialisation (Thornton, 2021).

The impact of the changes mentioned above, along with the shift in how work is done arising from the COVID-19 pandemic, (Thornton, 2021), has led to the development of the term 'post-professionalism'. Created by Kritzer (1999), post-professionalism encompasses "professionalism's loss of exclusivity and the increased segmentation in the application of abstract knowledge through increases in specialisation and the growth of technology" (Thornton, 2021, p. 244). These on-going post-professionalism changes may have the potential of moving a status profession such as the legal profession into a hybrid occupational profession (Noordegraaf, 2007).

2.3.3 Legal Occupational Identities, Roles And Status

Historically professions, such as the legal profession, were the domain of white, wealthy, educated males. A "profession's ability to present a facade of homogeneity to the state, supported by the assertion of a standardised knowledge base and control of competition within the profession" (Francis, 2005, p. 174) meant that the legal fraternity controlled the legal market and maintained high status in society as an economic and social elite. Embedded into the expectation of professionals were perceptions of altruism, ethical practice, and codes of professional conduct (Francis, 2005). These perceptions are overtly reinforced by legal societies that assist with professional development, networking, and maintaining standards.

2.3.3.1 New Zealand Legal Context

Developing out of the British system, the New Zealand Law Society was established in 1869 and regulates the provision of legal services by the New Zealand legal profession. While the New Zealand (NZ) Law Society is voluntary to join, any New Zealand practising lawyer must obtain a practising certificate from this national body. Its functions include: “maintaining a register of lawyers; making practice rules; law reform activities including submissions on legislation; managing the Lawyers Complaints Service; operating a financial Assurance Scheme and a Fidelity Fund” (New Zealand Law Society, 2024 b). These kinds of societies are essential in sending appropriate signals that an occupation is a profession and that standards set are associated with the expectations of professionalism.

The NZ Law Society’s *Snapshot of the Profession 2023* shows that currently 76% of New Zealand lawyers identified as New Zealand European, of which 44.4% were male and 55.4% were female (Burt & Van der Kaay, 2023, p. 8/9). Consistent with the description of professionals, the legal profession was dominated numerically by men historically. The feminisation of the legal profession is an international trend. However, men still dominate the profession in terms of senior roles, and issues with patriarchal structures remain.

2.3.3.2 Firm Structure

Entry into the legal profession and lawyer role is mediated by the requirement to gain a law degree and pass bar exams. Competition for places in some NZ universities is high given their strong connections with the local labour market. A typical private practice career path for a law graduate would be first a role as a law clerk (during that time being admitted as a barrister and solicitor of the High Court of New Zealand and getting a New Zealand Law Society current practising certificate so they can practice as a lawyer). The competition for these roles, particularly in prestigious law firms, is high. Generally, the career path follows a set path initially as a junior solicitor, associate, senior associate, and then partner (University of Auckland, 2024).

A partner is either an equity partner (buys into the business) or a salaried partner (a partner on a salary) (a firm's clients would not necessarily be in a position to distinguish between the two). The career path is clear; however, there is strong competition for working with successful partners and for prime clients. The partners who earn the highest fees potentially have stronger voices in relation to managing the practice.

Other roles in private practice include legal secretaries, legal executives, finance and administration staff, trust account administrators, as well as human resources and practice managers (University of Auckland, 2024) The person who holds the practice manager role not only manages the support staff but is also the person who manages the partnership. They also know 'where the bodies are buried' and has a wide legal network outside of the firm. As will be seen in Chapter Five, it is typically those in the firm's support roles who provide fledgling graduates with guidance as they navigate the workplace (University of Auckland, 2024).

The flow of work is managed by the partner who is the head of each team within the practice, for example, the commercial team. That partner also has the responsibility of signing off on the work done by those in the team. While these are both quantitative performance measures, lawyers in private practice are expected to be fee earners to bring in revenue. It is the tension between the professional standards and business requirements which has led to some of the challenges set out in the following section (University of Auckland, 2024).

2.3.3.3 Contemporary Challenges To and Changes In the Legal Professional Identity

"Lawyers have always been prohibited from engaging in behaviour that tends to bring the profession into disrepute, but from 1 July 2021 this behaviour is better defined" (New Zealand Law Society, 2024 a, para.2). This redefined definition of behaviour is evidence of the social construction of the meaning of profession in relation to what type of behaviour will bring the legal profession into disrepute.

Historically held views of professions are being challenged; the legal profession is no exception (Adams, 2013; Clementi, 2004; Lansdell, 1998; Thornton, 2021). Since the 2000s there have been reforms in the United Kingdom and Australia, driven by the need for “increased competition, efficiency, and consumer satisfaction in legal services” (Adams, 2013, p. 802). In 2004, Sir David Clementi, a former deputy Governor of the Bank of England, prepared a review of legal services in England and Wales for the UK government. Known as the ‘Clementi Report’, it concluded that the existing regulations were “outdated, inflexible, overly complex, and lacked sufficient accountability and transparency” (Clementi, 2004). This sentiment was echoed in Australia (Thornton, 2021). One of the key outcomes of the reforms (Australia and UK) was the creation of “alternative business structures” in the resulting legislation for both countries: (Australia Legal Profession Uniform Law (NSW); Competition Policy Reform Act 1995 (Cth); and UK Legal Services Act (2007)) (Clementi, 2004; Thornton, 2021).

Building on these changes already underway in the legal profession, the post-pandemic world has sped up the transformation of the legal workplace and those who work in it (Thornton, 2021). Traditionally, lawyers operated from a position of status and power and found work through an ‘old boy’ network of relationships (Thornton, 2021). Traditional law firms had a hierarchical structure and the work of different levels of subordinates was signed off by a partner. Work was billed by the hour and only those who were qualified lawyers could provide legal services or ‘own’ a law firm (Adams, 2013).

In a blunt risk assessment of the culture of traditional legal firms, (Cohen, 2020) warns that:

The danger is inertia of entrenched stakeholders—law firm equity partners, general counsel, tenured law school faculty, regulators, Bar Associations, and the judicial system. Their stasis is rooted in legal culture, anachronistic structural, economic, and delivery paradigms, fiefdoms, self-regulation, and hubris. The legal profession, until recently synonymous with the industry, has been acculturated to respect precedent, avoid making mistakes, and adapt to an insular, homogeneous,

conformist, risk-averse, inward-focused culture that promotes the myth of its exceptionalism.

(Cohen, 2020,(para.1)

The tension between alignment with the identity of the legal 'profession' or an alignment with a business identity or a hybrid model is not new, as can be seen in the following excerpt from an early 20th century book:

to substitute for its historical tradition of service the current standard of the market' place, -- "Profits first" - in short, to commercialize instead of professionalize the practice of the law. This movement, born in the offices of capable businessmen, power and support from members of the Bar.... In truth, while one branch of the profession was working to lift it up, another was dragging it down.

(Cohen, 1916, p. 243)

Even though this excerpt was written over 100 years ago, a major change for even contemporary law firms is "the notion of the law firm as an entity distinct from a business is dying" (Adams, 2013, p. 818), and the importance of profit was beginning to outweigh the traditional approach used by law firms (Thornton, 2021).

Underpinning the move from the traditional legal profession to an increasing focus on the law firm as a business, are environmental changes such as advances in technology. Work can now be streamlined, as demonstrated in the following examples: the use of templates completed online; client information stored online; meetings not necessarily held in the physical offices of a law firm but also now held virtually; the signing of a document by electronic signature or where necessary witnessed virtually. Lawyers can work from home, which also means that a previously local team can be a global team, and it is easier to work with global clients, contract workers, and use third-party resources (Thornton, 2021).

2.4 Life Course Theory

I am still every age that I had been. Because I was once a child, I am always a child. Because I was once a searching adolescent, given to moods and ecstasies, these are still part of me, and always will be.

Madeleine L'Engle (1976, p.260)

L'Engle (1976) depicts the central tenet of life course theory in this epigraph by acknowledging that who she was on any day is underpinned by the impact of the multiple transitions she has experienced throughout her life. Developed in the 1960s, life course theory can be seen as a timeline for a person's life, identifying "a 'sequence of socially defined events and roles that an individual enacts overtime'" (Giele & Elder, 1998, p. 32)

2.4.1 Five Basic Concepts of Life Course Theory

Life course theory is underpinned by five basic concepts: cohorts; transitions; trajectory; life events; and turning points (Hutchison, 2011). I will elaborate on these concepts below in turn before focusing more expansively on the core concept of transitions within and beyond the life course approach.

In life course theory, the definition of a *cohort* is a group of people that were born in the same period of time or experience the same social historical or cultural event or change (Hutchison, 2011), for example, those who experienced the Christchurch earthquakes, the COVID pandemic or were born pre-1957. Further to this, social change may influence inter-cohort or intra-cohort members "differentially according to social class, gender, and race-ethnicity" (Elder et al., 2016. p.59).

Transitions, according to life course theory, happen when a person's role and/or status changes. For example, in the transition to retirement, those whose pre-retirement work role was in a central position of power may find a seemingly immutable lack of alignment between their former role and their retiree post-retirement position which is typically one of a lower status. This move from one identity to the next, such as from partner in a law

firm to retiree with limited obligations, can be known as an 'identity crisis' (or simply put, finding the answer to 'who am I' now) (Elder, 1994; Hutchison, 2011).

A *trajectory* is a path chosen, such as a career path or becoming a parent, whereas a *life event* is an occurrence that has a substantial and long-lasting impact on a person's life, such as the death of a spouse or a long-term and impactful injury or illness (Hutchison, 2011).

In life course theory, a *turning point*, which can be a single dramatic event or can take place over time, is seen as a moment that can redirect a person's life path. Turning points can fall into three categories:

1. There are those moments that either shut down or open up opportunities
2. There are experiences that involve a lasting change in the environment
3. There are those experiences that have a lasting effect on a persons' self-concept or views and expectations of other people.

(Rutter, 1996, p. 614)

Another example of a turning point is retirement. Voluntary retirement after a successful career may be perceived quite differently than an abrupt forced retirement due to health or organisational demands/issues (Henning et al., 2016). Individuals who saw they had choice had a more positive view of that turning point (Hutchison, 2011).

In addition to the five basic concepts outlined above, cohorts, transitions, trajectory, life events, and turning points, sociologist George Elder, one of the original life course theorists (Bernardi et al., 2019), suggested that four distinct themes also impacted a person's life course. The four themes were the relation between human lives in a changing society, the timing of lives, linked or interdependent lives, and human agency. (Elder, 1994, p. 1).

There are many positives associated with life course theory such as the concepts and themes outlined above, including that the life course theory isn't a rigid structure as it also

pays attention to human agency. Adding to its holistic approach, life course theory looks at biological, psychological, and social processes (Hutchison, 2011).

Critiques of life course theory include that the identification of patterns leads to a homogeneity which may not be relevant to wide cultural diversity or necessarily relevant on a global level. This universalising by identifying patterns can lead to the privileging of some economically richer cultures over others (Amarnani et al., 2023). Another limitation is a failure to link the micro world of individual and family lives to the macro world of social institutions and formal organisations (Hutchison, 2011).

Although the identification of patterns is included in the critique of life course theory, it can also be seen as a positive. For example, through taking a person's life course into account and their access to different resources—financial, social capital, and physical—over a lifetime, the likely impact on the retirement experience can be predicted for those in pre-retirement, transition, and post-retirement., (Birkett et al., 2017; Wang et al., 2011)

2.5 Occupational Life Cycle

Unlike life course theory, which focuses on an individual's entire lifetime, the occupational life cycle focuses specifically on an individual's occupational timeline. Loosely put, the occupational life cycle is the "patterning of employment across the lives of individuals" (Kunkel & Settersten, 2021 p. 142). In 2024 "we live in a highly connected world that is subject to continuous, unpredictable and sometimes dramatic change" (Pryor & Bright, 2011, p. 12). Yet we still accept and use models which do not relate to this complex world. The Occupational Life Cycle model (Kunkel & Settersten, 2021) is a prime example, as it is underpinned by ageist assumptions and categories about when people 'should' retire.

Although quite informal, the occupational life cycle is so ingrained into ways of thinking that people expect to follow it "...even though the model is outdated and misaligned with the realities of jobs and careers today" (Kunkel & Settersten, 2021, p.142). This model is an example of how a universal lens is applied to aging and the world of work, both of

which are not universal but diverse and dynamic (Amarnani et al., 2023; Kunkel & Settersten, 2021). Models such as this mean that “the point at which the person’s social construction of reality interfaces with the world that exists beyond that person’s perception of it” (Pryor & Bright, 2011, p. 20) and can result in the derailment of their belief in their agency in creating and negotiating a retirement identity. Such thinking needs to consider “the realities of complexity and its limitations on the human capacity for control and predictability” (Pryor & Bright, 2011 p. 23).

2.6 Transition

In this section I explain the three stages of transition that need to be navigated when moving from one identity to the next. I then expand on the alignment with grief during the transition process.

2.6.1 Transition and Professional Identity Stability

Identity stability may impact on the ability of those such as high status lawyers to accept the need to transition from one identity to the next as “high-status actors remain vulnerable to situational inputs” such as the transition to retirement (Davis & Love, 2017, p. 497). The higher the identity status, the more stable that identity. This is backed up by Froidevaux et al. (2018) who suggested that “identity incongruence, identity transition negotiation, and the variety of high-quality exchange relationships represent key factors that explain the different experiences in retirement adjustment quality” (p. 228).

2.6.2 The Three Stages of Transition

The impact of identity incongruence and identity transition negotiation during transition is discussed by Bridges (1986) as he breaks change into a three-stage psychological process. Stage One is the ending of an identity and letting it go. Stage Two is an identity that is a ‘nowhere’ between two somewheres/identities—a somewhat turbulent time for reorientation as Stage One has ended, and Stage Three, constructing the foundations for the beginning of the new identity, is underway. According to Bridges (1986), when

undergoing change an individual will be in all three stages at once but will be more in one stage than another.

There is no clear division between the first or 'ending' phase of transition and the second, or 'neutral zone' phase. The mourning for what has been lost, the confusion over identity, and the bitterness of disenchantment will flare up periodically like an underground fire that can only burn itself out. But with time there is a shift from the old task of letting go to the new task of crossing the 'neutral zone', that wilderness that lies between the past reality and the new beginning.

(Bridges (1986, p. 29)

The role of loss and changing identity and the importance of transition in forging a new identity is also emphasised by Conroy and O'Leary-Kelly (2014).

2.6.3 Transition and Grief

With any change—forced or chosen—there can be grief for a lost or changed identity (Bridges, 1986; Conroy & O'Leary-Kelly, 2014; Weiss & Bass, 2021). The loss of identity during organisational transition, described above, may also apply to the transition from pre-retirement life to post-retirement life. As part of the loss of identity, whether organisational or individual, a grieving stage may need to take place for what has been lost. As in Figure 1, the Kubler Ross five stage model of grief—1) Denial, 2) Anger, 3) Bargaining, 4) Depression, and 5) Acceptance—aligns with Bridges' three-stage model of change—1) the ending of an identity, 2) the transition or neutral stage between two identities, and 3) the beginning of a new identity. It is not until Kubler Rosses 'acceptance' stage that the new identity of Bridge's third stage can begin the process of becoming embedded (Bridges, 1986; Kübler-Ross, 1969).

Kubler Ross's grief cycle has its detractors. For example, it is incorrectly seen as a fixed stepped model rather than a dynamic model, through which those grieving can move forward then backwards and then forward again (Bolden, 2007; Bridges, 1986; Conroy &

O'Leary-Kelly, 2014). The Kubler Ross grief cycle has been used as a practical change management strategy to review how people moving through a change process are likely to be simultaneously grieving, such as those transitioning to retirement (Kearney & Hyle, 2006).

Figure 1.

The Change Process and
Associated Grief Cycle

The Change Process

ENDING

TRANSITION

BEGINNING

Denial

avoidance
confusion
excitement
shock fear

Anger

frustration
irritability
anxiety

Bargaining

struggle to find meaning
to help others
to tell your own story

Depression

helplessness
hostility
avoidance

Acceptance

exploring opportunities
introducing new plans
moving forward

Note. Adapted from *Managing Transitions Making the Most of Change*, by, W Bridges, 2009, Nicholas Brealey Limited.
and *On Death and Dying*, E Kubler-Ross, 1969, Macmillan.

The grief associated with the loss of a professional role identity, such as that of a partner in a law firm, due to retiring and the associated loss of high social status and power, is a threat to an individual's self-concept and overall identity (Teuscher, 2010).

Regardless of whether a change was forced or chosen, ending an identity and transitioning to a new identity can be a time of turbulence (Bridges, 1986). Numerous studies (Grødem & Ragni, 2022; Henning et al., 2016; Jolles et al., 2023); Manor, 2017; Teuscher, 2010.) have shown that those who have a more positive view towards aging—closely linked with retirement—were more likely than those who had a negative view towards aging to see their retired identity as important.

2.7 Conclusion

This chapter outlined the theoretical concepts used in this research: social construction theory, identity, professions, life course, and transition.

Social Constructionism sees knowledge as created through the interactions people have with each other and institutions. The creation of knowledge happens in a political, cultural, historical, and local context in which we create group realities. This theoretical perspective produces a multiplicity of truths in the construction of knowledge. Peoples' interactions contribute to the creation of knowledge and can result in challenging the accepted 'truth' and allowing previously unheard knowledge to be heard. This position—overtly or covertly—acknowledges the role of power in the construction of knowledge in relation to whose truth is true

Social construction does not say that there is no such thing as reality. A baby born with only one arm is a physical fact; how people chose to perceive that child is socially constructed knowledge, for example, as a disabled person or as a person with a physical disability or as a person. Nor does it say that everything is relative; rather, as mentioned above, there are multiple truths with different levels of validity impacted by the context in which that reality is created.

The political, cultural, historical, and local context also plays a part in the social construction of identities. Role identity theory, or how individuals self-categorise their identities, is a cognitive process influenced by the socially constructed reality with which the individual interacts. Role Identity theory sees that it is the knowledge gained in intragroup and intergroup social interactions that an individual uses to self-categorise their identity. Social identity theory is based on the interactions within and between groups and can be seen as having three parts: self-categorisation, social identity, and social comparison leading to in-groups and out-groups.

Life course theory is a multilevel approach from birth to death in a person's life. Like social construction, life course theory takes into account the impact of political, cultural, historical, and local contexts on an individual's life course. Of particular relevance to this research is the importance of transitions as an indicator of how individuals move from one life course stage to the next. If the occupation an individual identifies with is part of a profession, it is likely the ascribed status and prestige given to those within that profession can become a defining marker in an individual's identity. Transitioning out of a profession and its ascribed status and prestige into another identity that does not have that status, and prestige can be a difficult transition to make.

The first stage of Bridges' (2009) three-stage change model is the ending of an identity, the second is the transition from one identity to the next, and the third stage is the beginning of a new identity. If an individual has one all-encompassing work identity, whether because they have limited or no non-work-related identities, or whether it is because they attach more importance to their work role identity, it is likely they will have difficulty in transitioning from one role to the next.

Aligned with the transition from one identity to another is grief, of relevance to this research giving the close association of retirement with ageing. Chapter three reviews the literature on Ageing, Retirement; and Professionalism. Each section defines key terms and outlines different arguments in the literature on these topics.

Chapter 3: Research Ageing, Retirement and the Legal Professional

3.0 Introduction

In an aging society dealing with the disengagement from one's work-related identity and the quality of retirement adjustment become major concerns for individuals and organizations

(Froidevaux et al., 2018, p. 228).

The disengagement and transition from a high status-working high income lawyer role identity to that of a retiree role identity can be a turbulent process (Bordia et al., 2020; Bridges, 1986; Conroy & O'Leary-Kelly, 2014; Fouad & Bynner, 2008; Grødem & Ragni, 2022; Manor & Holland, 2022). Constructing and negotiating a new role identity that answers the question 'who will I be and what I am going to do' as a retiree is not necessarily straightforward (Bridges, 1986). While the transition to retirement can be challenging, particularly for those in high status, high power, professional roles such as lawyers (Davis & Love, 2017), there is a noticeable lack of research specifically targeting professional groups and transition to retirement.

This chapter provides a narrative review of literature pertaining to the themes of aging and retirement. In order to understand how these themes may apply to the experiences of commercial lawyers as they negotiate and construct their identities in the transition to retirement, the literature is discussed in relation to the key theoretical concepts of identity (comprising roles, status, professions) and transition along with life course theory. The chapter begins by examining different social constructs of aging and being old before exploring ageism and its promotion of a socially acceptable prejudice based on embedded stereotypes of old age.

3.1 Ageing

In essence, aging is a biological process causing physical and cognitive decline because of biological attributes (Hutchison, 2011; MacDonald, et.al., 2011). Biological age recognises that young age and old age are different. Vincent (2006) explores “old age as a cultural category and science as a form of culture to see how, and with what consequences, that culture constructs what it means to be old” (Vincent, 2006). There is an inevitability of biological aging, as “old age is the end stage of a sequence of biological developmental processes. Old age is cellular senescence. It is distinguishable from youth by biological markers such as shortened telomeres or less-efficient apoptosis” (Vincent, 2006, p. 691).

Old age can be seen as a disease; for example, Aubrey de Grey posits aging as a three-stage process involving changes to “metabolism, damage and pathology” (De Grey et al., 2002, p. 452). Conversely, it can also be seen as a natural biological process, as Suresh Rattan states: “considering aging as a disease that happens to everybody is an oxymoron” (Rattan, 2014, p. 196). In a challenge to biological determinism—and in a negation of the immutability of aging—current bio-gerontology research focuses on how to increase life expectancy or life span.

The first grey hair on anyone’s head is often the first tangible sign of aging. Even for those who do not hold aging as a negative stage in life, ‘the ageing, failing body becomes an indicator of old age’ (Manor, 2017 p. 990).

3.1.1 Category of Old

There is a multiplicity of ways in which age is culturally defined and categorised (Balard, 2015; Zabel & Baltes, 2015). In Colombia’s Cuvia culture, once you become an adult you remain an adult until you die—regardless of your functional or chronological age (Balard, 2015). Aside from chronologically, but with no descriptor, Statistics New Zealand (2023) does not categorise ages instead using the variable of 65+ to informally define being older (para.1).

Given that those over 65 are living longer and are healthier, multiple studies are breaking down the category 'old' into sub-categories such as "young-old (65-75)," "old-old (75-85)" and "oldest-old (85+)" (Garfein & Herzog, 1995; Mortimer & Moen, 2016).

Historically, a person's biological age (physiological and psychological) had more importance than their chronological age. In pre-industrial societies, in a cottage industry environment, ageing was based on a person's biological age—the changes to their physical or cognitive abilities and the associated impact on their ability to complete tasks was of more relevance than their chronological age in ascertaining when someone was 'old' (Balard, 2015). It was industrial society that brought about the transition from biological to chronological determiners of old age. This was caused by changes to socio-economic-political ideas and the introduction of pension plans with chronological age compliance (Balard, 2015).

Although chronological age is seen as an accepted objective definition of age, given the social construction of that which is called 'time' and which—in this case measured by years—chronological age is itself a social construction (Ye & Post, 2020). The term 'old' is seen as socially constructed' because there are multiple ages for the age when one is deemed 'old' (Balard, 2015). Regardless of this, chronological age is still one of the strongest predictors of when workers chose to retire (Adams & Rau, 2004; Balard, 2015; Wang et al., 2008; Ye & Post, 2020).

Statistics New Zealand (2022) data provide objective evidence of the—chronologically measured—increase in older people in New Zealand's population. The number of people aged 65+ living in New Zealand is likely to hit 1 million by 2028 (when it will account for 19 percent of the total population) and reach about 1.4 million by the late 2040s (23 percent of the total population) (Statistics NZ, 2022, para. 9). The societal ramifications of an aging population are huge and include the impact through tax and infrastructure requirements on the New Zealand government, and New Zealand society, and the impact on organisations in relation to access to skilled and unskilled workers. These ramifications have led to a perception of "doomsday prognostication of apocalyptic demography" (Calasanti, 2020, p. 196) placed at the feet of those deemed non-productive and old.

3.1.2 Ageism

as individuals and as a society, we are aged by our culture (Cherry et al., 2004, p. 631)

Ageism is consciously and unconsciously embedded in society (Morrow-Howell & Gonzales, 2024). In her book *Retirement and Its Discontents*, Silver (2018) makes the link between retirement and the decline of age, “The first U.S. Social Security retirement checks received by workers who had turned 65 were delivered in 1940 (at that time, the average life expectancy for men in the United States was 58 years)” (p. 240). In the late sixties, almost six decades ago, Butler (1969) challenged the socially accepted prejudice of ageism by naming and defining it as “a form of bigotry we now tend to overlook: age discrimination or age-ism, prejudice by one age group toward other age groups” (p.243).

The social norm is “that old people are different from other age categories” (Calasanti, 2016, p. 1100). A statement of aging difference should be the same for any other age category, as from the moment we are born we all age and our bodies change, yet for those who are old the changes are linked with decline (Calasanti, 2016). In older people, “bodies will age and change in ways that are assessed negatively; social circles will contract as loved ones die; and life course changes that can result in fewer roles will occur.” (Calasanti, 2016, p.1100).

There is a growing shift in relation to how old age and aging are viewed (Morrow-Howell & Gonzales, 2024). The socially constructed view of old age and aging as a time of universal decline is at odds with the reality for many Baby boomers who are in better health, better educated, with financial resources and who as a result are more active. An examination of age discrimination led to a reinforcement of the view that ‘Ageism is one of the last socially acceptable prejudices’ (Weir, 2023, p.36). Statements such as ‘it is not aging we have to fear it is ageism’, challenge the universal decline of aging narrative by suggesting aging itself is not the problem; instead, it is the societal discrimination of old age—ageism—that is the problem. In light of the widespread acceptance of ageism, older individuals, as Calasanti (2016) observes, are left with the responsibility of rectifying a problem that is fundamentally social in origin. And of course they have more invested in its resolution.

Western beliefs about ageing are centred around the progressive loss of physical and mental functioning (Calasanti, 2016). Such ageist beliefs are essentialist, that is, ageing is viewed as an immutable, genetically determined process (Weiss et al., 2022, p. 1446). These stereotypical perceptions, along with others, develop early in life and reinforce the privileging of youth over age (Balard, 2015; Calasanti, 2016; Manor, 2017). This cultural embedding of the young/old binary, in later life can lead to overt and covert strategies being employed to reduce the fear, anxiety, and shame of aging (Manor, 2017).

Essentialist beliefs around ageist stereotypes in organisations can impact the motivation of older workers to remain in the workplace (Weiss et al., 2022). This is because they are more likely to perceive their future occupational time and opportunities to be limited and, therefore, are less likely to continue working beyond retirement age. The impact on those holding essentialist beliefs who perceive aging to be a fixed and inflexible process that cannot be influenced, also contributes to embedding beliefs that older workers do not like change, cannot cope with technology, cannot learn new things, and are in a cognitive and physical decline (Weiss et al., 2022).

Embedded beliefs about ageism are being challenged, as seen in the use of the following phrases ‘age is only a number’; ‘you are only as old as you feel’; and ‘there’s life in the old dog yet’. These phrases could be indicating a challenge to age discrimination, or they could be a sign of privileging youthful attributes over age. So knowingly—or perhaps unknowingly—to the sayer, they are a rallying cry against ageist attitudes and implying the need for and importance of a functional definition relative to ability, rather than a universal chronological definition of ageing (Amarnani et al., 2023; Zabel & Baltes, 2015).

Using phrases such as ‘older person’, ‘the third age’—an “on-going engagement with meaningful activities” (Moen & Flood, 2013, p. 206)—or ‘the fourth age’ to categorise old age can help to soften the perceived decline associated with aging and acknowledge the changing capabilities of retirees (Birkett et al., 2017; Froidevaux, 2017). This approach is similar to how women in the 1970s focused on domestic labour (some referred to themselves as ‘home executives’) to raise the visibility of the unpaid work they did (Forrester, 2022). However, it

could be argued that changing the language detracts from the dominant socially constructed perspective of, in this case, ageing.

While biological aging may be irreversible (currently), people's attitudes to aging, much like people's attitudes to sexism and racism, are not. It is not 'aging' that we need to be concerned about it is 'ageism', and "for old age to be seen as a successful conclusion to life requires life to be defined culturally in other ways than as the continuation of bodily functions" (Vincent, 2006, p. 294). Once those who are old understand that the privileging of youth over age is a social construction and accept aging for what it is, alternative discourses around aging will be developed (Calasanti, 2016).

3.2 Retirement

In this section I review the history of retirement and its traditional focus on financial preparation for withdrawal from the workforce, highlighting how as social environments change, and individual expectations develop, the meaning of retirement evolves as well. There is no one universal definition or 'truth' as to the meaning of retirement. And given the social constructionist framework for this research, any meaning will always be work in progress. Traditional definitions of retirement were based on complete withdrawal from the paid workforce or, as described by Steiner and Amabile (2022), "the formal end of the career job" (p. 1) They also view the transition to retirement as a cognitive process. It is also linked to the age of being entitled to superannuation.

In line with this research, Borland (2005) does not view retirement as a before-after binary but as linked to the transition to retirement. Borland's definition is that this:

transition represents a phase where an individual shifts from one relatively permanent or regular pattern of labour market activity to another pattern; and that this change in pattern should involve a decrease in hours of work or the extent of engagement in paid work to a very low level.

(Borland, 2005, p. 2)

Retirement has historically been associated with being chronologically old (Manor, 2017; Sargent et al., 2013). This association is likely linked to the original age someone was entitled to get a pension, which was often more than a decade past the life expectancy of the time (Wilke, 2018). Hence, the process of being retired would be a double loss for retirees, as the social construction of retirement and ageing identities positions them as non-productive and a drain on the economy. The insult of being classed as non-productive also occurs while being placed in the category of declining old age (Manor, 2017).

Traditionally retirement was defined as total withdrawal and disengagement from the labour force (Denton & Spencer, 2009; Feldman & Beehr, 2011). Yet it was never that simple as retirement has always involved some form of transition, which can contain multiple entry and exit points into alternative paid work (Borland, 2005). As globally better health and education means that people are living longer the act of retiring is changing (Bordone et al., 2020; Manor, 2017; Moen & Lam, 2015; Mortimer & Moen, 2016; Phillipson, 2019; Sargent et al., 2013). In the Western world, for example, France, Australia, New Zealand, and Germany, increased life expectancy along with better health and education has meant that the construct of retirement is in a state of flux and lacking an adequate alternative to the original work/non-work binary concept of retirement (Dong et al., 2017; Gilleard, 2022).

The threat of the silver tsunami [a socially accepted ageist statement] of baby boomers' is perceived by many as being a potential drain on society (World Health Organisation, 2021). Any informed understanding of retirement will also need to understand the socioeconomic, political, and demographic impact of the baby boomer generation leaving the workforce, potentially stopping contributing to the economy, and accessing government pensions (Boveda & Metz, 2016). When the implications of retirement are considered from a political perspective there is a need to consider the balance between the socio economic, political, and demographic impact of baby boomers retiring or not, as well as the political power of baby boomer voters (World Health Organisation, 2021).

3.2.1 History of Retirement

The link between retirement and the perceived decline associated with age is in part highlighted by the link between retirement and the age of entitlement to a government pension (Manor, 2017; Sargent et al., 2013). Underpinned by political motives in 1891, the first pension scheme was mooted in Germany to negate a more radical socialist pension scheme, as well as putting something in place for worker wellbeing. The scheme was introduced in 1889 for those aged 70 who were unable to work due to age or ill-health. In 1889 the country's life expectancy for males at birth was 45 years (Wilke, 2018).

Nine years later, in 1898, the New Zealand Old-age Pensions Act became law, providing a small, taxpayer-funded, means-tested pension to elderly men and women (over 65 years) who were not able to provide for themselves. The life expectancy in New Zealand in 1900 was 46.55 years; therefore, this pension was paid to a minority of people (Statista, 2025a)

In the United Kingdom in 1909, after 30 years of debate, the first payment of the Old Age Pension was paid to people aged 70 or older who lived in poverty and met stringent means testing and character testing. The life expectancy in the United Kingdom in 1910 was 52.7 years, and in 1909 5% of the population were 70 or older (Statista, 2025b).

These three examples of pension schemes demonstrate that pension schemes relied on limited life expectancy and poverty. However, as life expectancy has increased in the Western world the gap between the age at retirement and death has been increasing significantly (Grødem & Ragni, 2022). Yet the perceived close link between retirement and the decline related to old age remains (Manor, 2017). This link feeds into ageist stereotypes about the standardised functional ability of chronological age and the lack of contribution to society through withdrawal from the paid workforce of those in retirement (Balard, 2015; Manor, 2017).

3.2.2 *The Repeal of Compulsory Retirement in New Zealand*

New Zealand's Human Rights Act 1993 addressed several areas of discrimination, one of them being age. The Act stated that people could not be discriminated against because of their age. After an introductory transition period from 1993 through to 1999, the Human Rights Act 1993 resulted in compulsory retirement being repealed in New Zealand, aside from a small number of defined roles such as judges and coroners, (Fitzgibbon & Roberts, 1999; Human Rights Act, 1993, s.21(1) (i)(i)).

Even though compulsory retirement has been repealed, New Zealand citizens who meet certain requirements are entitled to New Zealand Government Superannuation when they turn 65 years of age (Te Kawanatanga o Aotearoa New Zealand Government, 2024). The entitlement to a pension at this age has meant there is an associated perception that the age of 65 is the age of retirement (Ye & Post, 2020). Given that the gap between retirement and death is growing, the perception of retirement at 65 years of age is being challenged due to the desire for individual agency in determining a more personally relevant retirement experience (Balard, 2015; Grødem & Ragni, 2022).

3.2.3 *Retirement and Finance*

Most of the literature on retirement focuses on the financial implications for people exiting the labour market. A Google search for "retirement financial" returned 656,000,000 results (31 March 2023) while a Google search for "retirement lawyers' identity" returned 11, 900, 000 results (many of which still focused on finances or succession planning) (31 March 2023). It would seem nonsensical to not think about the financial implications of retiring given full retirement is about full withdrawal from the labour market the labour market. Yet while financial security is a major part of retirement planning, it is not the only aspect that individuals need to consider. Increasingly, as mentioned in Chapter Two, recognition of the importance of the non-financial aspects of retirement are being considered. According to Wang et al. (2011), those with strong finances, social ties, or purposeful activities outside of work will likely adjust better to retirement.

3.2.4 *The Protestant Work Ethic and Retirement*

German sociologist Max Weber's early 20th century work *The Protestant Work Ethic and the Spirit of Capitalism* (1904-1905/2012) proposed that people should adhere to the religious tenets of a life of hard work, discipline and frugality, and combined these ideas with the spirit of capitalism (Furnham, 1990). In the 21st century, albeit in a mainly secular Western society, the Protestant work ethic continues to influence people and can be seen in the way individuals develop their worker identity. By applying life course theory (see Chapter Two), we can see this work ethic in action. A strong work ethic can be seen in young people, working to attain the marks necessary to meet the entrance requirements for university, working holiday jobs to pay for university (Furnham, 1990). Individuals who place importance and value on being busily productive also display a strong work ethic (Furnham, 1990). They may be unwilling to transition to retirement due to fear of being positioned as non-productive members of society, thus relegated to the margins (Bordia et al., 2020).

Much as a strong work ethic can underpin a worker identity, the construction and negotiation of a person's identity in the transition to retirement may also be underpinned by the Protestant work ethic. This may be seen in the way individuals, who overtly or covertly wear their adherence to hard work as a badge of honour, use a number of strategies to avoid being seen as nonproductive. Examples include delaying retiring, engaging in bridge employment, developing a portfolio of paid and unpaid activities, or volunteering in order to contribute something to society. In this way, they are still seen as productive (Furnham, 1990; Turner et al., 2020).

3.2.5 *Changing Meanings of Retirement*

The traditional view of the construct of retirement—whether forced or chosen—was seen as a “full-time work being replaced by full-time leisure” binary (Birkett et al., 2017 p. 52). However, with older people living longer and in better health, retirement can be seen as a gradual withdrawal from pre-retirement work, rather than as a one-time decision of a before-after binary (Beehr, 2014; Boveda & Metz, 2016; Grødem & Ragni, 2022; Ye & Post, 2020).

Many scholars agree that contemporary retirement can be viewed in a number of ways. Gathering momentum is the belief that rather than a before-after binary, contemporary retirement is not a one-off event (Wang & Shultz, 2010); it is a gradual process with a multiplicity of choices. These include full-time work at a different or lower level, part-time, contract, business ownership, volunteer work, travel, membership of social groups, education (Beehr, 2014; Birkett et al., 2017; Turner et al., 2020; Wang & Shultz, 2010; Ye & Post, 2020). such career trajectory decisions are influenced by “gender, age, education, marital status, health, and wealth differentials” (Boveda & Metz, 2016, p. 153).

Ultimately the choice of whether to retire or not, as well as what to do if retirement preferred, is up to the individual, although the expectations of others on the retiree may impact on the retirement choice (Beehr, 2014; Manor & Holland, 2022). Older employees can find themselves balancing demands on their time between work and caregiving needs (Manor & Holland, 2022). The tension between the two can ultimately result in an older worker withdrawing from the workplace as demands on work encroach on their ability to meet family caring needs (parents or grandchildren) (Manor & Holland 2022). Conversely, in Manor and Holland (2022) study, one reason given by Israeli doctor interviewees for not working after retirement was that “ they would rather continue to work rather than serve as regular caregivers for their grandchildren” (p. 3).

3.2.6 Denial of Aging in Retirement

In a socially constructed ageist world, which privileges youth over age, the denial of aging for some can be part of the negotiation of a retirement identity. This section identifies the implications and cost of the denial of ageing.

The identification of a parallel axis of retirement and aging creates an environment where the “denial of old age creates a dynamic, hybrid identity that enables retirees to simultaneously accept and reject old age” (Manor, 2017, p. 985). It is through the linking of old age to retirement that the negation of an ‘old’ identity is added to the negotiation and construction of identity in retirement (Manor, 2017). Through the denial of the essentialism of age and its associated signifiers, retirees are creating a ‘non-old age identity’. This non-identity plays a

significant part in their negotiation of a current identity. Hence, the hybrid identity Manor (2017) proposes as made up of past and present identities, for example, gym-goer, spouse, bridge club member, volunteer, grandparent, and professional employee.

Denial of aging can be seen in avoiding (e.g., through body modification) signifiers of aging such as grey hair, wrinkles, 'old peoples' clothing, poor physical fitness, cognitive decline, walking sticks, and hearing aids. The denial and repression of aging include not being with people their own age in case they are perceived as old, for example, going on trips specifically for older people (Manor, 2017). Denial and repression of aging can also be seen in an older person commenting positively on another older person looking younger than they are or achieving physical results, such as kilometres biked in a time normally associated with a younger person (Palmore, 2005) or as a demonstration of vigorous masculinity (Calasanti et al., 2022).

The above is true for both men and women. Manor's (2017) study investigating "how retirement forms identity and the degree to which old age is present in the identity of retirees in Israel" (p. 991) found that women are judged more critically than men regarding signs of physical aging as women are expected to maintain a youthful appearance. When denying old age, older people can present an ageless identity which in itself points to the centrality of aging in their identity (Manor, 2017). Psychosocial age refers to how old one feels, thinks, acts, or desires to be (Zabel & Baltes, 2015) and underpins the justification for this ageless identity.

'Passing' was originally seen in minority groups as a way of escaping prejudice, for example, black Americans with light skin trying to pass themselves off as white, or Jews changing their surnames in order to pass themselves off as non-Jewish (Palmore 2005). In the context of seeking to escape ageism, 'passing' yourself off as being younger than you are is common practice (Palmore, 2005).

Men and women who are old, and imitate those who are young, see a cost to being seen as old whether in the workplace or retired. Manor (2017, p. 1002) bluntly states that "Repressed

and repelled old age exists precisely in those who try with all their might to ignore it.” This bluntness highlights a cost—perhaps not often considered by those who see successful aging as not showing signs of aging—and that cost is in denying themselves the opportunity to accept who they are—and have the right to be—rather than trying to be someone they are not.

3.2.7 *Life Course Theory and the Retirement Transition*

Life course theory provides a useful framework for analysing retirement as part of an individual's broader lifespan trajectory. A central premise of the theory is that an individual's development is shaped by social contexts, timing of events, linked lives, and personal agency (Elder, 1994). Here, retirement represents a turning point that redirects one's path. The management of the transition from being employed to being a retiree, from a life course perspective is underpinned by the management of previous transitions.

In the 20th century retirement had become a distinct life phase as a result of eligibility for pension schemes and the forced/semi-forced nature of retirement (Sargent et al., 2013). In the 1960s and 1970s “gerontologists realized that to understand the final decades of life, one had to account for a long-lived past” (Bernardi et al., 2019, p. 1). The purpose of life course theory is to make visible the multiple influences on people's lives and the links from the interdependencies and interactions in their life from their moment of conception to the moment of their death (Bernardi et al., 2019).

Applying a life course perspective shows how retirees' past experiences and social resources shape adaptation to the retirement turning point. Those with strong finances, social ties, or purposeful activities outside of work will likely adjust better (Wang et al., 2011). The theory also highlights the societal forces underpinning retirement and the structuring of the life course around work (Settersten, 2003).

Aligning with life course theory, a Dutch study on loss adjustment in retirement looked at retirement as being multidimensional in an individual's life course (Damman et al., 2015).

“Regarding work histories, the findings show that retirees who had a steep upward career path in midlife are less likely to miss money/income, equally likely to miss social contacts, and more likely to miss status compared with those that did not experience upward mobility” (Damman, 2015, p. 810).

Bridges’ (2009) three-stage model of change—1) the ending of an identity, 2) the transition or neutral stage between two identities, and 3) the beginning of a new identity—is relevant to the context of retirement. The correlation between retirement and aging identified by Manor (2017), positions her findings within Bridge’s (2009) transition/neutral stage, located between the ending of one identity and the beginning of another. Work is seen as central to a person’s identity, and when that identity ends “the void that opens up once it [work] disappears is filled with an old-age identity, with emptiness, and with a sense that time is running out and life is about to end” (Manor, 2017, p. 1000). The three-stage model may assist in identifying “any potential voicelessness, marginalisation and sense of occasional uselessness experienced by some aging men following their departure from paid employment and taken for granted relationships and identities” (Jackson, 2016, p.1).

For retirees, a “complex attitude towards their age and body” (Manor, 2017 p. 1001) underpins the hybrid identity, or transition/neutral stage. The denial of the signifiers of old age, such as colouring grey hair, using Botox, or wearing youthful clothing, can be viewed as an overall signifier of the centrality of aging concerns held by those who deny them. “Denial of old age creates a dynamic, hybrid identity that enables retirees to simultaneously accept and reject old age” (Manor, 2017, p. 985).

Just as there is no universal retiree, there is no universal process for the transition to retirement. Transition to retirement has moved from a two-part pre-retirement and post-retirement binary to three parts: the ending of a pre-retirement identity, and a transition between pre-retirement and post-retirement that may take several years (Bordia, et al., 2020). The transition may involve a portfolio of jobs (fulltime, part time, fixed term, casual, contract, self-employed), volunteer work, and education with multiple stops and starts (Bordia et al., 2020).

3.2.8 Professional Identity Stability, High Status Occupations and the Retirement Transition

The majority of the research around retirement of those who held, or previously held, a high-status occupation focuses on elite athletes (Cosh et al., 2013; Lenton et al., 2020; Silver & Williams, 2018). A similarity between elite athletes and the participant lawyers of this research is that both are high-status, all-encompassing occupations. While retirement has previously been seen as a before-binary for elite athletes, there is much information about the transition into a non-elite athlete identity. There is scarce research available related to those in professions such as the legal profession. Given the past focus on the financial implications of retirement, it may be that those in the legal profession would likely be assumed to have no financial worries.

Bordia et al.'s (2020) consideration of Work Related Role Identities and Non Work Related Role Identities (NWRI) is a universal model that contributes to the understanding of role identity stability, which is important to understanding retirement transitions. My WRI is my identity with the work role I hold, such as lawyer, accountant, architect, barista. My NWRI are the roles I hold that are not work related, such as runner, gardener, volunteer, book club member, wine club member. Those with a strong WRI and undeveloped NWRI are likely to align their previous WRI with their retiree identity. Bordia et al. argue that "The role identity work undertaken by retirees demonstrates creative, adaptive, proactive, and reactive natures of agentic action in response to structural contingency of declining opportunities in the occupational domain" (2020, p. 457).

Using the example of the transition to retirement and its associated changes in role identity, Bordia et al. (2020) found that understanding the importance of the interplay between WRI and NWRI helped participants with "navigating the difficult period of transition between exiting the past role and the creation of a new role identity" (Bordia et al., 2020, p. 455) Therefore, the transition into retirement is impacted by how strongly developed a person's WRI and NWRI are, and the effectiveness of the strategies used by those going through the transition to retirement. In this transition, people who were involved in a variety of social networks and

social activities, and could continue to be so involved in post-retirement, have a range of choices as to how to spend their retirement (Hutchison, 2011).

Assessing whether a person's WRI was strong or weak and whether the NWRI was developed or underdeveloped led Bordia et al. (2020) to devise a four-part pre-retirement identity structure. The different combinations of WRI and NWRI manifest in the four types of role identities ('Rich', 'Unsustainable', 'Sustainable', and "Poor) that reflect the ease of impact in the transition to retirement. Those with a 'Role Identity–Rich' are those with a strong WRI and a developed NWRI, which they use when constructing their identity in retirement (Bordia et al., 2020). In contrast, those with a 'Role Identity–Unsustainable' are those with a strong WRI and an underdeveloped NWRI. These retirees are likely to seek contract work or unpaid work related to their work-related identity. Eventually, they develop their NWRI. Those with a 'Role Identity–Sustainable' have a weak WRI and a developed NWRI. When transitioning to retirement, these retirees are likely to drop their WRI in favour of their developed NWRI. Those who have a 'Role Identity–Poor' have a weak WRI and a weak NWRI. These retirees transition into a space which has no available role to move into. As with those with a 'Role Identity–Sustainable', it is the development of NWRI that will help the transition into retirement. See appendix G for a table outlining pre-retirement identity structure based on types of work role identities (strong vs weak) and nonwork role identities (developed vs underdeveloped). The impact of the incongruence between the level of status and associated stability of a role identity such as high-status lawyer and the role identity of a retiree is discussed below.

3.2.9 Retirement and the legal professions

For high-status professionals such as commercial lawyers, moving from the height of their career and its associated power and authority to perceiving themselves—and perhaps being perceived—as on the margins of society as a retiree poses an especially stark identity construction. How positively retirees view this transition depends on how much choice and control they feel over the timing of retirement and the degree of continuity versus disruption to their sense of purpose (Hutchison, 2011). A voluntary retirement after a successful career

may be perceived quite differently than an abrupt forced retirement due to health or organisational issues (Henning et al., 2016).

The theories around ageism, ageing, and the life course illuminate the complex interplay of societal forces, age stereotypes, and individual agency that shapes retired professionals' identity construction and negotiation. Further research is needed to understand how retired commercial lawyers, in particular, negotiate and construct their identities as they transition from a position of power and status as a commercial lawyer to being positioned on the margins of society as a retiree. Investigating this understudied group can reveal how their retiree identities are negotiated and constructed and inextricably tied to their sense of self-worth and purpose.

3.3 Conclusion

The focus of most retirement research has been on the financial implications of retirement rather than the construction of a retirement identity. A growing population of retired people who are in better health, better educated, and living longer has resulted in either a longer and potentially more active retirement or a delay in transitioning into retirement.

The way retirees choose to define themselves can be influenced by the importance they designated to their pre-retirement work role and the work-related groups to which they belonged. Once that identity is no longer an option, for those who ascribed great importance to an all-encompassing work identity, it can be a difficult and turbulent time as they move through the transition to retirement. From a social construction perspective, as a result of the retiree's social interactions and negotiations, underpinned by the social, cultural, and historical context in which they live, their retiree identity will be an ongoing work-in-progress. Given the close—and at times visible—relationship between ageing and retirement, this negotiation will include the social construction of aging and its impact on each individual's retirement identity.

However, it is not aging that people need to be concerned about, it is ageism. The more a person attempts to deny ageing and its associated visible decline (for example, going grey,

wrinkles), the more concerned they are about aging. It is this working at an ageless appearance that places concerns around aging as a central part of their retirement identity. Those individuals in high-status roles where the holding of their work-related identity was of high importance to them are likely to find the transition to retirement difficult. In part this is due to such individuals being unlikely to have other non-work-related identities available or ascribed the same importance. Those who have non-work-related identities to step into, such as a business interest, community involvement, or social activities, find the transition to retirement easier.

Retirement was once defined as a move from paid work to not being in paid work. In New Zealand there is no compulsory retirement age, yet as the entitlement age for New Zealand superannuation is 65 it is seen as the age of retirement. Some people want to retire, some people are forced to retire (sometimes illegally), some people cannot afford to stop work, other people—for a variety of reasons—do not want to stop working whether in the same or a similar role or doing something different. The meaning of retirement is currently in a state of flux.

Given the ascribed power and status for those in the legal profession, particularly those who are white and male, perhaps many outside looking in would struggle to see that a move into a retiree role diminishes that power and status. This is an example, from a social construction lens, of knowledge creation resulting in a multiplicity of truths and different realities leading to tension around whose truth is 'the truth'. Yet the embeddedness of ageism means that being a retiree potentially places all retirees on the margins of society.

The literature reviewed for this study highlighted a clear need for my study, which aimed to identify how commercial lawyers constructed and negotiated their identities in the transition to retirement. adding to the information available on the non-financial implications of the transition to retirement. A Google Scholar search showed no specific research on white male commercial lawyers transitioning to retirement. This research focuses on a growing group with a dominant societal position based on patriarchy, ethnicity, and wealth, which due to the

scarcity of research available about the group would appear to have been previously disregarded as a valid research topic.

Chapter 4: Methodology

4.1 Introduction

My research is multidisciplinary, accessing different domains of knowledge associated with the disciplines of sociology, psychology, gender studies, and business management studies. The primary methodological framework used in this research is social constructionist, drawing on the core concepts of identity and professions, and life course theory and transition. The research design utilised the qualitative research method of a semi-structured in-depth interview, underpinned by a life history approach. This interview method ensures that there are no imposed “piori categories that can narrow the research area” (Gudkova, 2017 p.79); rather, it privileges the lived experiences of the participants.

In the context of this research, the interviews focused on the ways in which the participants constructed and negotiated their work and non-work identities once they stepped away from full-time work or employment as a partner in a law firm. As such, the interviews will reveal how the participants managed their identity in the transition to retirement. The findings from my investigation will add to the limited information available in relation to identity construction and negotiation for lawyers in retirement.

This chapter explains my research design and positions the research within a social constructionist framework. It also outlines the research process I undertook including navigation of ethical requirements such as confidentiality and anonymity, participant selection and consent, and the impactful pilot interview. Finally, I explain how I conducted the series of interviews, and the methods of analysis I applied to the transcripts.

4.2 Methodological Principles Underlying the Study

Qualitative research was selected as it identifies and values the ontological position and perspective of the research participants (Brinkmann, 2013; Gudkova, 2017). In order to more deeply understand the participants' lived experiences, it was important to take a qualitative approach that provides rich insights into the participants' work and their transition to retirement (Brinkmann, 2013). Therefore, the ethnographic method selected for this research involved collecting the narratives of the participants from pre-university to transition to retirement through multiple in-depth interviews. This ensured that the focus remained on the specific social phenomena associated with the participant experiences.

In line with studies raising awareness of what influences the construction and negotiation of identity in the transition to retirement for those in professional roles (Froidevaux et al., 2018; Manor, 2017; Niesel et al., 2022; Wang & Shultz, 2010), the agenda for my research is to raise awareness of the construction and negotiation of identity in the transition to retirement for those in the legal fraternity. This is important because there is very little research available on the non-financial implications of retirement for such high-status professional occupations and this research will contribute to the understanding of the non-financial implications of retirement

While it is important to understand the experience of marginalised groups, it is also important to understand the experiences of dominant groups. This research involved a dominant group, given the research participants were born pre-1959, in a time that in the Western world legitimised the male provider role. The provider role functioned to define success and status, real work and the legitimate mechanism for the production of male identity (Riley, 2003). Of the 388 lawyers admitted to the Bar in 1980 (some of whom will be in the participant cohort) 79.7% were male (New Zealand Law Society, 2012).

As part of the life course transition to retirement, the participants could also be seen as moving from holding centralised positions of power and status as educated white male partners in a law firm, to being positioned on the margins of *productive* society as retirees

(Manor, 2017). The participants potential marginalisation is based on the evidence of retirees being perceived as engaged in non-productive work, which amounts to a drain on, rather than a contribution to, the economy.

4.3 Research Design

Every part of the research design is designed to ensure that the research question and four sub-questions are answered. As was previously mentioned in the introduction, the overarching research question is:

How do commercial lawyers construct and negotiate their identity in the transition to retirement.

Additional questions were created to refine the research process. These are:

1. To what extent does their former identity as a lawyer contribute to the construction of their retirement identity?
2. To what extent do they make room for developing a non-lawyer identity in retirement?
3. What are the newly constructed parts of their retired identity which do not relate to being a lawyer or the associated professional legal identity?
4. How have they negotiated the transition process between their identity as a lawyer and their identity as a retired person?

In order to get an in-depth understanding of this study's participants' experiences a small sample size of four was created. The use of a small number of participants aligns with Woolcott's view "Do less more thoroughly" (Wolcott, 2009, p. 95). Gaining rich insights is important because research and commentary on the aging baby boomer cohort (those born between 1946 and 1964) and their usefulness—or not—to organisations and society are presented as commonsensical within stereotypical and limited schemas (Birkett et al., 2017; Bordia et al., 2020; Gilleard 2022; Manor, 2017). Thus, the use of in-depth interviewing in this research was designed to capture the heterogeneity of this cohort in a specific professional group—commercial lawyers. The in-depth nature of the interviews can negate criticism that a small sample is not representative of a cohort (Wolcott, 2009).

Three semi-structured interviews were conducted with each participant. This was to ensure that participants were comfortable with the research project and myself as the interviewer. Although the third interview was optional, all participants had three interviews, to clarify and add information. The interviews explored the participants' university and work history including the transition to retirement and how their lived experiences enabled them to make sense of their cultural context. The collection of participant responses enabled common categories and themes among the individual participant experiences to be identified.

The approach of in-depth interviewing provides a way of hearing participants' stories in the context of their day-to-day lives. It is particularly important for research seeking to understand the complex nature of multiple identities and the ways in which individuals construct and negotiate these identities (Kourti, 2016). In addition, as qualitative research methods are not constrained by existing assumptions or categories, using this approach is seen as pertinent to a subject with limited available research (Brinkmann, 2013).

My main ontological stance recognised that from a social constructionist perspective one of the ways knowledge is created is through conversation. In a qualitative interview, that conversation is "structured by the interviewer's purpose of obtaining knowledge; they revolve around descriptions provided by the interviewee; such descriptions are commonly about life world phenomena as experienced; and understanding the meaning of the descriptions involves some kind of interpretation" (Brinkmann, 2013, p. 25). This type of interviewing acknowledged the experiences, understanding, perceptions, and lived experiences of the participants I interviewed, as meaningful knowledge about their professional lives.

My epistemological position accepts the authenticity of data gathered from the dialogue between participants and researcher during the interview process, and the analysis of the categories and themes informed by the knowledge created during the interview process. The participants' narratives formed the basis of my research findings. The categories and themes identified from the participants narratives I accept as legitimate knowledge as to how

commercial lawyers construct and negotiate their identities in the transition to retirement/retirement.

Using a social construction lens and accepting that the creation of knowledge is contextual and wanting the freedom to ask participants questions that were relevant to each individual's specific context, as well as giving the participant control as to how they answered the questions, was another reason for choosing qualitative interviewing over a structured generalised question format.

Qualitative interviewing also gave me, as the researcher, the opportunity to probe participant responses, and thus gain "access to interviewees' thoughts, reflections, motives, experiences, memories, understandings, interpretations and perceptions of the topic under consideration." This kind of process supports the researcher "to establish why people construct the world in particular ways and think the way they do" (Morris, 2015, p. 5), instead of accepting easily assessable superficial information (Brinkmann, 2013).

Aligning with the objectives of a social constructionist framework, using qualitative interviewing meant participants were an active part in the production of knowledge during the research process. By using semi-structured interviews, the power dynamics between the participants, and me, as the researcher, were more likely to be balanced. This was because the open approach gave participants more control over the direction of the information shared during their interviews. Participants were also able to raise an area or concern which has not been covered by my topics and probes (Reinharz & Davidman, 1992).

4.4 Ethical Requirements and issues

In accordance with the University of Waikato ethical conduct regulations for research, before the interviews began ethical approval had to be gained from the Division of Arts, Law, Psychology and Social Sciences Ethics committee. Approval (research project FS2023-13) was given on 24 May 2023 (see Appendix D). Once the ethical approval was granted the research process started.

Any perceived ethical issues, including conflicts of interest, were discussed with my chief supervisor. First, to ensure the process was transparent, all participants were informed as part of the recruitment process that I was married to a commercial lawyer via the initial information sent to them about the research. Originally, I had decided not to consider any participant who personally knew me or my husband. However, 'Matthew', one of the participants who was suggested by someone in my network as a good fit for the research, was known to me and my husband. At that time, I wanted one other participant and after discussion with my chief supervisor, and with Matthew, he was accepted as a participant. Matthew acknowledged on his consent form that he saw no conflict of interest. Second, as the focus of my research was the transition to retirement, which in itself can be a time of uncertainty and stress, when sending out a summary of the research I made available to all participants a list of support agencies in the area in which they reside.

4.4.1 Ethical Limitations Issues Arising From the Research

It is possible that participants may be harmed when they consider the loss of moving on from a high-status role to the construction and negotiation of an acceptable retirement identity. By conducting the interviews in a phased process, I provided participants with time to reflect. Validating their experiences and outlining the value of their knowledge also placed their discussion into a positive context. When the participants were given a summary of the thesis, they also received information about publicly available counselling and health services in their region.

4.5 Confidentiality and Anonymity

Given the nature of in-depth interviews, it is not possible to ensure complete confidentiality. However, participants' anonymity was assured through the use of pseudonyms and by removing any identifying source, such as name of specific legal practices or removing specific geographical locations unless a main city, from any quotes or information used in the thesis. It was necessary for the anonymity of the participants to ensure that only the researcher had

access to the audio recordings and written transcripts. Extracts from the transcripts were shared with the chief supervisor but were already anonymised.

4.6 Participants

Given the social constructionism framework for this research, the term 'participant' is used to indicate a more active role for those interviewed as well as a more equitable relationship between them and the researcher.

As previously demonstrated, there is limited research available relating to the way in which retired commercial lawyers construct and negotiate their identity in the transition to retirement/retirement within New Zealand and globally. The participants of this study, while specifically chosen for their previous profession and their transition into retirement/retirement, are also members of a significant and growing part of the New Zealand population and therefore have political power—those who are 65+.

While it is important to understand the experience of marginalised groups. It is also important to understand the experiences of the dominant group. In this research the dominant group from a patriarchal standpoint, a retired male commercial lawyer, who identifies as New Zealand European, who pre-retirement had a high-income level.

Participants were born pre-1959, in a time that - in the Western world - legitimised the male provider role (Riley, 2003). The provider role functioned to define success and status, real work, and the legitimate mechanism for the production of male identity. (Riley,2003 p. 99). Of the 388 lawyers admitted to the Bar in 1980 (some of whom will be in the participant cohort) 79.7% were male (New Zealand Law Society, 2012).

4.6.1 Participant recruitment

A particular challenge to sourcing participants was that they were no longer working in law firms and might have little or no contact at all with the legal fraternity, so contacting law firms would not necessarily be useful. Thus, I contacted various support organisations or

compliance services to the legal professional, such as the Australasian Legal Practice Management Association and the New Zealand Law Society. After the first stage in contacting potential participants, it was clear professional networks would not work to target retired lawyers. I turned instead to contacting people within my own network in the legal fraternity and asking them to contact people who may know of someone who would be a suitable research participant.

One useful piece of advice I was given by one of my initial contacts was to find someone with high credibility within the legal fraternity, whose name I could use when introducing myself to potential participants. I was put in contact with such a person through a contact of mine, a legal practice manager, who herself, was transitioning to retirement. It was having such a contact that enabled me to source the participants in this research. It was through using this technique and the support of many people that I was able to find suitable participants.

4.6.2 Participant Selection

To ensure a focus was kept on the lived experiences of the participant group in relation to retirement, transitions, and work identity issues, a common or homogeneous sample, rather than a diverse or heterogeneous sample, was selected. “The selection of these participants should reflect and represent the homogeneity that exists among the participants’ sample pool” (Alase, 2017, p. 13), thus enabling the researcher to better grasp the overall perceptions among the participants. Sampling for this research involved being very clear about who, in particular, would be involved (Carr et al., 2018). Rather than random sampling, the sampling used was purposeful sampling, that is, all four participants met specific criteria selected to ensure they were information rich, ensuring they were able to answer the research questions (Lune & Berg, 2017). In other words, the selected participants were those who ‘held the greatest potential for generating insight about the phenomenon of interest’ (Jones et al., 2021, p. 133/134).

For this research, the homogenous sample was created by seeking out participants who were commercial lawyers who were either transitioning to retirement or had retired and who identified as a New Zealand European male. Additional criteria included:

- retirement between the beginning of January 2020 and the end of December 2022;
- that pre-retirement they were aged 65 plus;
- had been in the same NZ private legal practice for 20 plus continuous years;
- were working full time for their practice up until their transition to retirement; and
- three years pre-retirement their individual annual income from the practice of law ranged from \$250 000+.

4.6.3 *Informed Consent*

To ensure that participants made an informed decision about participating in this research I gave each participant an opportunity to have a discussion with me about the purpose of the research, what was involved for participants, and for me to answer any questions they had about the research before the first interview. Depending on participant availability, this discussion was on Zoom, by email, or in person. After these preliminary discussions, each participant was sent an information sheet (see Appendix A) and a screening questionnaire to ensure they met the criteria (see Appendix B). A consent form was then emailed to those who met the participant screening criteria for completion and return (see Appendix D). Once the completed consent forms were received, they were assessed, and any areas of concern were clarified with the participant and/or discussed with one of my academic supervisors.

4.6.4 *Unexpected Barrier in Participant Selection*

In the early stages of sourcing participants, that is, before the participant interviews had even started, I encountered an unexpected barrier—or conversely a ‘lightbulb moment’ for the researcher—when presenting my research topic to a doctoral students’ group, a small number of whom were mature students. During the presentation I was challenged to re-think the validity of the traditional construct of the word—or perhaps label—‘retirement’. The initial

title for this research was “how do retired commercial lawyers construct and negotiate their identity in retirement”.

During the presentation two of the older students (early to late sixties) were involved in the discussion. The first one gave no indication of being in paid or funded work and was receiving superannuation. Something about what he was saying caused me to ask (showing a streak of ageism), ‘do you consider yourself to be retired’ the answer ‘no’ came back very firmly. The second student had mentioned that she and her husband lived off grid, were self-sufficient and received no income. She also mentioned she had two years to go before she would be entitled to superannuation. Again, as she was talking, something (clearly that ageist streak) made me ask if she considered herself to be retired. ‘No, I am working harder than I have ever worked’. These responses had a huge impact on how I approached my research. As a result, I altered my title to ‘how do commercial lawyers construct and negotiate their identity *in the transition* to retirement’ and revised the invitation to participate in order to appeal to lawyers who saw themselves as in the transition to retirement (as well as those who saw themselves as retired).

4.6.5 Participant Description

This section presents each participant using their own words (pseudonyms were used to ensure participant anonymity). As part of the follow-up discussion of transcripts the participants were asked to answer several questions and write 250 words introducing themselves. Where this was not done, I developed a draft based on participants’ interview scripts and got them to edit it. This exercise embodied the qualitative approach to researcher-participant equality and privileging research participants’ experiences and voice.

4.9.1.1 Participant One – Louie

I was a lawyer for 36 years and retired from the partnership seven years ago at 63 years of age. The main catalyst for me leaving was perhaps loss of enjoyment and job satisfaction

and I put that partly down to the extremely heavy workload post-natural disaster and undiagnosed burn -out.

Throughout my legal career I saw being a member of the legal profession meant you put the client ahead of your own personal position, and there was a personal and family cost to that. My clients were loyal to me, and I was loyal to them. I worked hard and clients related well to me, I spoke to them, not down to them. Many became friends.

Loss of income level and client contact were really the only losses for me in retirement and the gains included freedom to arrange my own schedule, lack of pressure, and lifestyle.

I currently work in local body politics in which I have had a lifelong interest. I am still involved in community groups often in a leadership role. I don't promote myself as an ex-lawyer, but I do use many of the skills I used in that role, such as analytical skills, I think lawyers have different programming!

I don't come from a privileged background, and I am humbled when people assign me a privileged status due to previously being a lawyer. I also don't consider myself to be retired instead I am transitioning to retirement as I am still working about 30 hours a week at the council. Do I miss law – not a bit.

4.9.1.2 Participant Two – George

I had worked all of my life at one law firm in provincial New Zealand. I was a partner there for 35 years. Over a ten-year period, I progressively cut down my days from five to four and then to three days a week. At the end of ten years, I was ready to retire, and I fully retired at the age of 63.

My main reason for retiring was I was pretty stale from the long hours and heavy workload and really needed a break/change. I considered making a change but decided I was too old

to do so. I also wanted to be free to do other things such as spending time with my family and travelling.

For me the main gains from retirement were 1) relief from the constant demands of clients which had become increasingly more over the years and 2) Relief from the ever-changing technological and compliance requirements – especially as the Covid pandemic and shutdowns followed shortly after. 3) The ability to do what I want when I want.

There are a number of things I do I miss, including the work environment and the people I worked with; interaction with clients and their families; and the stimulus of “the law”, and the history and changes/ developments.

Overall, I feel I am now more relaxed and open than I was before I retired.

4.9.1.3 Participant Three – Matthew

I practised as a lawyer for 49 years, retiring from the partnership aged 68 and I ceased being a consultant aged 71. The main catalysts for me leaving were a desire to have less of the grinding work pressure, escaping from the need to keep up with the younger partners in terms of ongoing work and fee output, and the need for a more balanced lifestyle.

Rather than stopping work entirely, making a gradual transition from full-time 60+ hours week, to part-time, and then to casual contracts was a very helpful process. It enabled me to develop my time management around having more spare time over time instead of my paid working life suddenly coming to a total stop.

I had to learn to let things, such as complex and highly remunerative work and long-standing clients, go, which took a while. However, it's useful to think you're actually not indispensable. The drop in income level and loss of mana and power with giving up the partnership role also required adjustment.

While I enjoyed being a lawyer it didn't define my whole existence, instead it was just a part of my existence. Rather than a sole focus on making money, I also believe that as a lawyer, you should be making the community a better place to be. Today the main focus seems to be more about making money, which is naturally an important part of any business, but it should not be the only one.

I see myself as retired but on the basis that I am positively working on being retired rather than positively working on being at work. How do others see me... "He has had a long innings and is now deservedly retired".

4.9.1.4 Participant Four – Parker

About 15 months ago when I was 66, I left the partnership of a large New Zealand law firm. I had been with that firm since I left university. The main catalyst for me leaving was that there was an understanding within the partnership that partners retire at age 65. The hardest thing for me about the transition to retirement was initially a fear of moving away from a job and people I enjoyed, and that retirement would mean a complete lifestyle change.

However, once I made the decision to retire, I started to look forward to the change. Once I had a definite end date, and once people knew I would be available, I was surprised at the range of opportunities that came my way.

For me the top three gains in transitioning to retirement were: the freedom to do things I wanted to do; the freedom from time constraints and stress; and the freedom to engage with my former life on my terms. For me, there weren't really any losses in the transition to retirement. People who knew me as a lawyer and know me now would say I am relaxed.

I am pretty busy with a business interest, and with contract work plus I have always had non-work interests. I say I am 'retired' because I control my level of activity – usually.

4.7 Interviews

Qualitative interviewing highlights the participants as 'knowers' and their experiences as essential, credible, and significantly informing the research (Kirby & McKenna, 1989); (Reinharz & Davidman, 1992). To acknowledge that the research could only take place with their contribution, an email was sent to the participants outlining that it was their responses which enabled me, as the researcher, to identify particular themes relevant to how commercial lawyers construct and negotiate their identities in the transition to retirement/retirement.

Qualitative interviewing needs the relationship between the researcher and the participant to be one based on trust and openness. In order to develop these qualities, the technique of self-disclosure was used. For example, where relevant I would answer questions posed by the participant and exchange information based on my own experience in order to establish reciprocity and rapport.

As a social constructionist interviewer, I wanted to ensure that the knowledge created by the participants was heard and validated. This was achieved by the recording and transcribing of interviews so that participants could be quoted directly—and anonymously—in the findings and the discussion of same. In addition, the research findings will be used to inform lawyers and other professionals of the construction and negotiation of identity during the transition to retirement/retirement process.

4.7.1 Pilot interview

Very early in this research I had been given an introduction to someone who was a retired lawyer and met my research criteria, aside from the time of retirement and identifying as a New Zealand European (identified as European). He became my 'pilot' participant, testing the relevance of the draft interview questions over three pilot interviews. During the first two interviews, he talked about being retired and his process of retiring. Yet in the third interview

when asked if he considered himself to be retired, he said 'no'. However, at the end of that session, his wife returned home and during the conversation said to him 'Since you have been retired...'.

As previously mentioned, my awareness that a person may not consider themselves retired although others consider them retired had an impact on how I searched for potential participants. If people did not see themselves as 'retired', they were unlikely to consider a request for 'retired lawyers' as research participants, as relevant to them. The input from my pilot participant meant I also dramatically reduced the range and number of questions asked during the interviews to give participants more freedom around the narratives they decided to present.

4.7.1 Interview steps and topics

There are multiple ways that an interview can take place, for example, by email, video, by telephone, by TEAMS, or face-to-face. Face-to-face interviewing was chosen as the preferred interviewing method as it enables the researcher to build a deeper rapport, ask the participant to answer questions in real time and observe - and perhaps more rapidly respond to - non-verbal cues, for example, tone of voice, signs of tiredness or levels of comfort (Lune & Berg, 2017). The disadvantages of face-to-face interviewing include scheduling difficulties, cost, interviewer /participant bias in that an attempt is made to ensure social acceptability in the questions asked or responses given. Due to their prior work and non-work roles the participants were accustomed to having in-depth discussions using platforms such as TEAMS, the telephone as well as face-to-face.

It was planned to have face-to-face interviews with all participants. However, difficulty in finding participants who met the criteria and were willing to take part, meant I had to include participants from a variety of geographical locations within New Zealand. This necessitated the completion of some of the interviews by telephone and/or Microsoft Teams meeting application instead of face-to-face.

An initial phone call to each participant once I had the names of potential participants, along with the information sent out as part of the selection process (Appendix A and Appendix B) meant that prior to the first interview the participants were already engaged in the research process. One participant was only interviewed by telephone - this gave an element of extra flexibility as it was only the designated time which had to be organised. One participant had only face-to-face interviews. The inability to have face-to-face interviews for all interviews meant changes to the process, i.e. not using a planned card sort.

Qualitative interviewing means the participants lived experiences and context are at the heart of the interview process. Techniques such as probing what or why the participant had raised an issue were used to ensure the focus remained on the participants' contribution. Open-ended questions were used consistently, with closed questions serving as clarifiers.

For the pilot interviews, a range of open-ended questions had been prepared in advance (see Appendix D). The questions were developed to elicit information from the participants' lived experience that would inform the research questions. In addition, the questions were developed to ensure that information received would address the gaps in the literature review, specifically that relating to the experience of transitioning to retirement/retirement for male commercial lawyers, who identify as New Zealand European, who pre-transition to retirement/retirement had a high-income level and were male, white, wealthy, middleclass, lawyers.

Following on from the pilot interviews, a range of open-ended questions had been prepared to ensure similar questions were used with each participant (see Appendix D). Each participant at times deviated from the research topic, yet the information gained was also part of the context of their lived experiences. Generally, I did not redirect them back to the scope of the research; however, if on occasion the same information was being repeated, I prompted them to return to the focus of the interview with another question.

My initial intent was to have two main interviews with each participant, and, if necessary, an optional follow-up interview if required. As previously mentioned, all participants had a total

of three interviews (two main interviews and a follow-up interview), ranging from 30 (one participant's third interview) to 120 minutes in length. In between the interviews were a mix of phone calls or emails to enable me to clarify points that arose during the interviews. Although none did so, all participants were given my contact details and were encouraged to contact me if they had any questions or wanted to provide additional information after the interview. All interviews were followed up with emails.

In order to put the participant at ease, each interview began with a brief social chat and then moved on to outline the process of the interview. At the beginning of the second and third interview (and during, if relevant), links were made to the prior interview/s in relation to content.

The topic of the first interview was a review of their career beginning with what influenced their decision to study law at university through to planning on leaving their legal practice. To obtain in-depth responses, they were asked probing questions to get them thinking about their identity: how they saw themselves/their reputation as a lawyer and how others saw them/their reputation as a lawyer at different stages of their legal career. All participants indicated they found this to be a thought-provoking process.

The second interviews took place some months later, in part to give the participants time to reflect on their career journey up to the present day, and in part due to the participants' availability. This interview covered their experience of the transition to retirement, how they would define successful and unsuccessful retirement, and what they had gained and lost during the transition process.

The purpose of the optional follow-up interview, which ranged from 0.5 to 1 hour in length, was to get each participant to clarify or expand on information from the previous interviews and for them to confirm that they were happy with their introduction in which they described themselves (Appendix E), as well as ask what questions that they may have. Before the optional follow-up interview, to ensure a focus on areas specific to each participant, I reviewed each participant's scripts from the first and second interviews and identified any area in which

I wanted more information. All participants positively commented that the questions asked during the interviews had caused them to reflect on their retirement in ways that they had not previously considered.

The qualitative interview process using semi-structured questions, enabled me as the researcher, to respond to the participants replies with flexibility in being able to ask questions related to what they said, rather than only asking pre-formatted questions. Having pre-formatted questions provided a structure and similarity to the sessions with participants. However, the semi-structured interviews enabled me to ask questions related to what they said; the interviews were more like conversations. The first interview for all participants began by getting the participants to describe being at school and outlining why they chose to study law. For them, it provided an opportunity to reflect on their career journey, beginning from when they were still at school through to the current day. For me, as the researcher, it provided an overview of their career choices and allowed me to ask follow-up questions such as what had influenced those choices. Between the second main interview and the third optional interview, three of the participants had unexpected changes in their lives, those were: a major health event, selling a business which had been part of that participant's retirement 'plan', and a change of job.

4.8 Methods of Analysis

The interview transcripts were analysed using thematic analysis (analysing qualitative data for common themes) (Braun & Clarke, 2021). In order to respect the information given by the participants inductive analysis was used. This means that the themes or categories were not predetermined as they were only created after the data was collected and analysed. My methods of analysis employed were also influenced by Glaser and Strauss' 1967 model of grounded theory.

A simplified version of involves three stages.

1. Develop themes (categories) which explain the data.

2. Saturate these themes (categories) with multiple data examples in order to show the theme's (categories) relevance.
3. Develop these themes (categories) into more general analytical frameworks with application outside the setting.

Silverman, (2020)

In practical terms this meant that the analysis of the data was completed in three stages.

Stage One - Review of information.

Preliminary analysis of each interview provided a general overview of the information and enabled me to become familiar with the information in the transcripts and begin thinking about possible categories. There was no pre-determination of categories prior to reviewing the interview transcripts. Each recording was transcribed by OTTER- AI and proofread by the researcher. During this time the initial categories began to emerge from the data.

Proofreading the OTTER AI transcripts included listening to the recordings. This enabled me to hear and appreciate the emotions which accompanied the actual words, something which is not necessarily appreciated during the course of the actual interview.

Stage Two - Analysis of the information.

Building on the familiarity gained during the review of the information, as the transcripts were read multiple times after which the information, rather like drafting sheep, was 'drafted' into categories. Each review of the transcripts led to a deeper analysis of the information including reflection back to the literature. This meant the categories were redrafted multiple times (the categories remained a work in progress until the day of the final submission). Table 1 below describes the different iterative stages used in analysis stage two.

Table 1: Category Development

Level	Categorisation process/Category names
1 st Analysis	During the first round of analysis the categories which emerged from the data were created using an intuitive approach based on my knowledge (from

	<p>experience and the academic literature) of the topic and my initial understanding of the responses. The initial categories identified were: professionalism and lawyer identity, relationship management, the legal brain, competency of old lawyers, when to leave a partnership, succession planning, client hand-over, continuing connection, definition of retirement, retirement losses and gains, successful and unsuccessful retirement, retiree identity, forced versus chosen retirement, end dates, reputation and identity, and advice they would give to commercial lawyers preparing for the transition to retirement. Ongoing reviews of the participant scripts, discussion with my supervisor about the main categories the participant responses fell into, and self-reflection meant it became clear that that in parts my understanding was underpinned by my personal biases and assumptions. For example, I expected that the participants would be reluctant to let go of the high status ascribed to the lawyer identity and that they would retain an identity with their previous role in their transition to retirement. Yet the findings of this research did not support this.</p>
<p>2nd Analysis</p>	<p>The second round of analysis included feedback and robust discussion with my supervisor and led to the expansion of the first round of categories. Moving into the next phase of the analysis, I cut and pasted participant responses into the categories mentioned in the first analysis and any new categories. Some responses were allocated to more than one category given the answers were multi-faceted (Liamputtong, 2013). After multiple reviews, many discussions, much analysis and editing the categories then became: Status; Networks/Relationships; Competition and Work-Life Balance, The Meaning of Retirement, When to Leave a Partnership, and Successful Unsuccessful Retirement</p>
<p>3rd Analysis</p>	<p>As the final draft was being written and rewritten, the final round of analysis - which included more robust discussion - identified three main categories, each with subcategories: Status and the lawyer identity; Work practices and the lawyer identity; and Retirement and the lawyer identity. For example, “competition and work life balance” mentioned as a category in the 2nd Analysis changed into four</p>

	subsections of 5.3 Work Practices and the Lawyer Identity (3 rd Analysis) : 5.3.2 The Impact of Drive and Competition on Work Life Balance; 5.3.3 Competitiveness; 5.3.4 Work Life Imbalance 5.3.5 Gaining Life Balance By Resigning From Being a Full-time member of a Partnership.
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(Author, 2025).

During this in-depth analysis, information identified as the same in more than one transcript was grouped together to eventually inform the development of categories according to how commercial lawyers construct and negotiate their identity in the transition to retirement/retirement. Not all categories were relevant to all transcripts. At times, information in a transcript was drafted into more than one category. The categories evolved as different information was identified and through discussion with my supervisor.

Stage Three - Comparison.

The categories identified in the analysis of the interview transcripts were used to organise the research findings into three broad categories presented in Chapter Five. The three categories were: Status and the lawyer identity; Work practices and the lawyer identity; and Retirement and the lawyer identify. The commonalities or themes among the participants' experiences of the construction and negotiation of identity and in transition to retirement or retirement underpin the analysis presented in Chapter Six.

4.9 Conclusion

This chapter set out the research design and the reasoning behind its selection. The process of developing a research design framework involved a thorough assessment and selection of appropriate methods. Of importance was that the research process was considerate of not only the participants and their lived experiences, but that it also recognised researcher positionality.

The methods selected included qualitative interviews and a categorisation process influenced by grounded theory. A major advantage of qualitative interviewing is that it allows participants

to narrate their personal lived experiences, resulting in the affirmation that these experiences constitute a legitimate form of knowledge. The role of the interviewer is to keep the focus on what the participant is saying rather than providing their own analysis or judgment during the interview.

There was no predetermination of categories prior to the analysis of the research findings. The underlying and unanswered questions around possibility and probability presented as important factors in the analysis of the findings.

Next is Chapter Five, interview findings which is structured around three broad categories from the participant interviews: Status and the lawyer identity; Work practices and the lawyer identity; and Retirement and the lawyer identity.

Chapter 5: Interview Findings

5.1 Introduction

This chapter presents findings from the participant interviews in relation to the construction and negotiation of their identity in the transition to retirement.

An initial review of the interview scripts resulted in grouping similar responses into categories. Although not pre-determined, a review of the literature relevant to the research question informed the creation of the categories. After discussion with my supervisor my analysis of the data identified three broad categories from the participant interviews: Status and the lawyer identity; Work practices and the lawyer identity; and Retirement and the lawyer identity.

Adopting this categorisation provides insight into the participants' experience of the construction and negotiation of their identity in the transition to retirement. The first category, Status and the lawyer identity expands on the participants' experiences of status related to being a member of the legal profession, a partnership, and of doing a good job. I have now recognised a level of researcher positionality, and I acknowledge that I had anticipated—from personal experience—that that the lawyers' identities may have been shaped by their status as a lawyer. And I had also anticipated that the loss of that the high status in retirement would likely have an impact on the construction of their post-retirement identity and the associated grief of no longer having that high level of status ascribed. Instead, the findings demonstrated that for the participants the status came from professionalism in the work done and high levels of productivity and revenue production.

The data within the second category, Work practices and the lawyer identity, highlights the importance of networks and relationships during all stages of a legal career (and beyond). Being competitive both pre and post career was a recurring theme in the data, and its impact on work life balance was evident. My analysis of the data showed that the participants'

competitive nature appeared during secondary school and continued into the transition into retirement. My analysis also showed that the participants gained life balance when they retired from full-time membership of the partnership. Work. The third category, Retirement and the lawyer identity, pertains to participants share their evolving perspective of the meaning of retirement.

Captured in final two subsections are the participants' perspective on when to leave a partnership, and their views on what a successful or unsuccessful retirement looks like.

5.2 Status and the Lawyer Identity

When I first started, the senior partner was earning more than the prime minister that is not the case now. Louie

The role of a lawyer is given a certain status within society as a profession, yet the participants did not openly acknowledge the importance of holding that status. However, Parker saw a staged hierarchy for lawyers working in law firms:

so the first couple of years, you're there, there might be a bit of impostor syndrome - now that they're going to find out that I'm not really partnership material. And then you survived that, and then you're trying to build your practice. And so you're busy. And then once you have internal mana, then ... your opinion starts to count. I think we should do this.

Parker

Parker's comments suggest that there are different levels of status which develop over time in law firms.

The aspect of the lawyer identity that each participant clearly mentioned was that doing the job well was important to them. Whether this related to their reputation or values or both was not clear. For example, Louie who came from a working-class background took care to talk

in a language his working-class clients would understand. He took pride in “speaking not in legalese” but in a way people understood. “I think clients related to me, because I've talked to them, not down at them”. This quote could also be seen as subtle acknowledgment that while he was an educated legal professional, he chose to speak in a client centred plain language. However, taking a somewhat contradictory stance, all the participants also stressed the importance of portraying a professional image.

5.2.1 Importance of Status

When asked about the importance of status as a lawyer to them, the participants' responses ranged from Louie's “So, I've never been, and I don't mean this unkindly, I've never been a nobody” (while he clearly enjoyed having status and recognition, it was in both work and non-work roles) through to Matthew's—in response to questions about the importance of the trappings of being a lawyer, he said “Well, you don't think of it at the time, but in hindsight it probably was important”.

Matthew was the only participant who worked as a consultant (part-time), and he commented on the freedom from partnership administrative tasks: “I'd rather be doing client work than being bogged down trying to do all those types of things”. He said that as an ex-partner, he did not make as much money; however, he clearly enjoyed the mental stimulation of the practice of law and saw no reason to stop because of his chronological age. This indicates that it was more about the stimulation of legal work than the status of being a partner that was important.

Due to the nature of the partner role, all participants had retained a link with their previous firm. For Louie, “I still have to pop into the office and sign documents for estates or have other things that I haven't been able to extricate myself from”; for Parker, “Well, I've only been coming in once a week because this has been a more convenient place to do this. I thought, I'll come in. I'll do this. I'll sign stuff that's here. And then I can run away.”

Overall, the participants appeared more aware of the satisfaction they achieved from problem-solving and analysing in the practice of the law than the status of being a lawyer.

Matthew thought “the main thing about it was really just solving the problems and the stimulation of the work really”. The word stimulation was also used by Parker, who in addition to problem-solving, also placed importance on the relationships with both clients and colleagues in his role as a lawyer. More than that, he also talked about the strength and diversity of the relationships he had outside of the law with people from all backgrounds.

As evidenced by his previous quotes, Parker, from his first day through to having post-partnership status, was conscious of, and clearly enjoyed the status of, being known as a lawyer. Yet he also believed that regardless of his lawyer status he was an individual, and thus a small cog in the wheel and had very little impact on his partnership. He likened it to travelling on the Queen Mary: “You had very little impact on it, it just continues, and then you get off”.

The status of the legal profession has changed over time as was clearly heard in Louie’s farewell speech “when I joined the firm, it was a profession, when I left it had become a business”.

5.2.2 Status and Education

The rigor and the exclusiveness of becoming a member of the legal profession were evident from the very beginning of the participants’ legal career path. Education is an important part of the credentials of any profession and achieving educational success in the compulsory school system was a prerequisite to studying law at university. All four participants met, eventually, the academic requirements at each stage including studying for their degree. Rigor and exclusiveness are reflected in the education requirements, not only to become a law student but also to meet the academic criteria needed to remain a law student. The competitive nature of a gaining law degree is evidenced by Matthew’s comment “And if you want to continue doing law, you have to do really well on the law unit or you will just get

excluded from law school". However, even with needing to meet such robust academic requirements, none of the participants saw being a law student meant they belonged to an exclusive group. Instead, they represented their segregation from other university schools as due to the physical university layout, rather than law students being part of an 'in' group and other students being an 'out' group.

Once they were in the workplace, however, this changed for some participants. The joy in Parker's initial thinking about his first job and the exclusiveness of lawyers was evident:

I thought this is pretty good. I need to stay here, or ... at least I guess I enjoyed the reputation of the firm, ... you get a little bit vain. And you're all of a sudden, ... you're working for a prestigious law firm, the partners are godlike figures. And most of them have been educated at XYZ School, and ... so they spoke with as if they ...had something stuck up them. But I kind of dug all that, I thought that's exactly what I expected, ... highly intelligent people, well organised office, people coming and going. And all of a sudden, I joined another club, but a prestigious club.

Parker

5.2.3 Status and Finance

A different component feeding into the status of lawyers is that being a lawyer is lucrative. As an example of the societal perception of lawyers being wealthy and that perception's influence on potential law students, one of the catalysts for Parker to enrol in law at university was that a school friend lived in a house with a swimming pool. The friend's father was a lawyer, and Parker's thinking at the time was that if someone who was a lawyer had a swimming pool, they could afford expensive hobbies, and Parker had an expensive hobby.

The financial benefits of being a lawyer are evident in the participants' accounts. Unprompted, all the participants indicated that they were financially comfortable in their retirement. However, this is not a universal experience. In the first year of his career, Matthew experienced two distinct types of law firm. One was very conservative with a

traditional approach and had a staff culture of micromanagement, and of which he said, “I think they [the founding partners] were quite well off”. The senior partner had a strong impact on office interactions: “everybody was sort of like hushed tones. And he used to [wear] a bowler hat, a pinstripe suit, a furled black broly and always looked impeccable”. The second firm Matthew worked with was hopelessly disorganised, with no controls:

Nobody knew what they were doing. There was heaps of work I got thrown in the deep end. And it was really fun stuff to get stuck in, my controlling partner didn't know whether it was night or day, most of the time. He was totally overworked ... [and in contrast to his other firm] not everybody was wealthy.

Matthew

The high status, exclusiveness and underpinning wealth of the first firm was reflected by a focus on physical surroundings, attitudes, and knowledge shared. While the second firm was not necessarily focused on status, every week there was a meeting at which each fee earner had to state their fee earnings for the previous week. It is significant to note that Matthew and George, who had family links with the law, made no mention that the status of being a lawyer was of any importance to them and their own role as a lawyer. Reflecting over his entire career, Matthew shared while the status of being a lawyer was not necessarily important, being a high-level fee earner, adhering to the standards of the profession, such as doing right by clients, while considering the community was important. In the participant description script provided by Matthew, who after resigning from the partnership became a consultant with that firm, he mentioned “The drop in income level and loss of mana and power with giving up the partnership role also required adjustment”.

5.2.4 Status and Appearance

All participants implied that finishing university with a law degree and getting their first job in a law firm was an important milestone. This was the start of the creation of their professional identity. A very visible part of being a member of the legal profession is appearance. A specific

appearance, such as wearing a suit or office clothes indicates belonging to a profession and associates professions with a high socioeconomic status (Hayward, 2009).

Matthew, who first worked for a very conservative and traditional law firm, explained that it was a balance between not having money to spend on clothes and having to dress appropriately “I got a suit, which wasn’t overly flash because we didn’t have much money of course. But I had to be smart enough to get through the door.” On one hand, he did not imply that the status of a lawyer was of importance to him when becoming a lawyer; on the other hand, he was aware that his clothes had to meet a particular standard. When asked what influence the clothes his lawyer father wore had on his own appearance as a lawyer, Matthew replied “probably that would have a bearing on it”.

Parker and Louie, who did not have family links to the law, were able to provide the most detail about the suit they wore for their first legal role. They both indicated that appearance was likely to have been important to them anyway. One had an extremely old-fashioned upbringing and recalled as a child wearing a suit and tie due to the influence of his caregivers, and the other came from a military family. For Parker and Louie, y care around their legal appearance was potentially a way of ensuring they fitted into the legal profession from the start—at least on the outside.

Given that the participants joined the legal profession between 40 to 50 years ago, the notion of what constitutes professional dress has changed, which was acknowledged by all the participants. While the lawyers no longer all wear a suit and tie every day, they all believed, even in post-retirement life, that looking the part that fitted the context you were in was important. Matthew, who did wear a suit and tie up until he retired from the partnership and latterly as a legal consultant, said “I just think the institutions run better if everybody's part of this is the way we look and this way we turn ourselves out”.

Regardless of current changing trends of expected appearance within the legal profession, each participant mentioned that when they did wear a suit and tie, people told them how

smart they looked. Post-retirement if a meeting was of a serious nature or they had to attend a formal event, they were more likely to wear a suit.

One of the options of resigning from a legal partnership is to become a consultant with that firm. The two participants with non-family links to the law were very clear that they were “not interested in being a legal consultant with their firm”, as they would not consider doing the same work for less money. Yet Parker was happy to work (beginning at the end of his time with the law firm and continuing after his retirement from his partnership) for less money in a different organisation. He explained:

I've stayed on with this corporate XYZ work because it's amused me, but the XYZ work is priced out at like a fraction of what I would normally charge because it's a junior role. Yes. And I don't mind that that's, so I go work. It's a tremendous deal for the XYZ company because they're getting this, getting an experienced lawyer for the cost of a junior lawyer... all of a sudden, you become integral in another organisation, you become indispensable. That's, that's the person that we get to do the hard things here, we don't want to make a commitment to employing a very expensive employee ... we know we can call on that person.

Parker

Parker's comment shows that doing this lower-level work was acceptable, as it was not the practice of law but something new. The knowledge gained from the systems and processes used in the corporate world were likely to be of use to him in his business (part of his portfolio). In the above quote he indicates that his true status and reputation was acknowledged by the corporate firm. Although this was said in a self-deprecating tone, it potentially indicates that such acknowledgement is likely to be important to him.

5.3 Work Practices and the Lawyer Identity

5.3.1 Business Networks/Relationships

“It’s not what you know it is who you know” is often at the basis of the concept of networking. All participants mentioned the importance of personal networks in their role as a lawyer. In the early years, it was important not only as they established their practice but through to later years when it was important in maintaining networks.

When Matthew was looking for his first job, the job market was quite tight. A law firm he applied to for a graduate role had over 35 applicants for a role, and the hiring partner told him, “To be quite frank, we’re just going to pull a name out of a hat”. But then that person said, “one of the partners, he knows your father very well ... Now my name got pulled out of the hat ... I suspect I was a bit lucky”. Matthew had not tried to use ‘it’s not what you know it is who you know’, even so a family link to the law may have played a part in his selection.

Alluding to the ‘old boys’ network’, Parker, when talking about colleagues, said of a partner in his firm “He wasn’t an ABC private school boy. But he was an XYZ boy in X NZ City. They have this school thing going on”. Parker did not have family or school connections, but he did have a strong university student network, which in itself could be seen to be ‘the old boys’ network’ in operation. He was selected for a law clerk job with a prestigious firm after a university friend who initially held the role resigned shortly after starting. Parker and that person aligned—down to the hour—the person’s resignation letter with Parker’s application. Parker was offered the role and started the day after the interview.

Two of the participants had family members who were lawyers. For Matthew “My family were lawyers. So, my grandfather was a lawyer, and my father was a lawyer. And so, there was an expectation that if I was academically good enough, I might follow in their footsteps.” He also commented that he, himself kept an open mind as to what he would do and seriously considered training to be a history teacher. This emphasised that there was an expectation that, if he was intelligent enough, he was expected to follow his father into the practice of law.

George also came from a family of lawyers—grandfather, uncles, cousins, and brothers. He decided to be a lawyer at the age of ten, yet he did not indicate that there was any pressure to do so.

In addition to family or school networks, there was an expectation that young lawyers would develop networks in their communities. George's firm in a farming community had five partners who were sporty and active. They encouraged sporting involvement as a source of developing networks, and there was an expectation of George that he, too, would be out and about making community connections. It was through rugby and cricket that George developed his own network. As he built up his own networking base and reputation, accountants and real estate agents would refer people to his practice

In the early years, seeking out networks was important as the participants established their practice, and remained important in later years in maintaining networks. All participants were aware of the importance of personal networks in their role as a lawyer. The importance was irrespective of whether that relationship was within the partnership, with colleagues, with clients or within the community.

George was extremely proud of the on-going positive relationship within his partnership. Each participant also mentioned the pleasure that mentoring younger lawyers gave them. George also talked about the importance of loyalty to people whose services he used, such as mechanics and the relationships he developed and nurtured in those roles. Those service providers in turn often became his clients.

Post-retirement participant networks within the legal field and outside of the legal field were evident. Each participant retained a connection with their previous firm, mainly driven by ongoing commitments such as signing documents, and because of that contact did not see a total loss of pre-retirement relationships with people in their firm. Parker had a broad external network, for example, a national and international motorbike riding network and shared ownership of computer business.

Matthew, who had decades of community volunteering (at all levels from being on boards to cleaning up after community meals), was aware of the importance of relationships beyond his employment, shown through his comments that he did not want (in retirement) “to become isolated and lonely and nobody knows you”.

5.3.2 The Impact of Drive and Competition on Work-Life Balance

The pattern of behaviour demonstrated by all participants when they were partners in a law firm was that of long pressured hours meeting deadlines. This was highlighted as a pattern of behaviour long before they were law firm employees by two of the participants through their approach to holiday work while law students. Parker and Matthew shared stories of the long hours they worked while studying:

So, during the long breaks, so May, August, and over Christmas, I worked in a frozen foods factory as a forklift driver. And that was pretty good, because they worked during the season. So over Christmas, they work 24 hours a day. So, I had shifts that were seven days a week, 12 hours a day... that's what funded my university.

Parker

this was when I was getting through the law course so was finding it easier. I did mail sorting at the post office headquarters.... And that was quite tiring because it was five nights, Monday night, Tuesday night, Wednesday night, Thursday night, Friday night, was from 9pm until 1am, five nights a week, and I had eight o'clock lectures in the morning, so I said I was quite jaded. But I remember the money was really good.

Matthew

Louie has always had a variety of non-work-related interests and frequently demonstrated the drive to take a leadership role as is seen when he:

set up a national body for ... the XYZ Car Club, okay. Still got an old XYZ 1947. And there were all these little secret clubs that had no contact. So, I got together with them

all and formed a national body to organize an annual rally where we'd all get together share resources and newsletters and things. And they'd still going.

Louie

5.3.3 Competitiveness

Contributing to their legal identity, all of the participants had a strong competitive streak—and guilt—around maintaining fee performance. Louie commented “Always had a guilt complex that if I wasn’t one of the top earners, I wasn’t pulling my weight.”

Competition amongst the different levels of lawyers in law firms was also obvious from the participants' responses. George said, “we were [an] equal profit-sharing firm [and it] didn’t matter who the client was as long as the work was done”. While on the one hand maintaining a high fee level was important so he did not let his partners down, on the other he was also clear that his firm had always put relationships first, saying the firm could have made more money, but “getting on with clients and workmates was more important “than making the last dollar”. Yet maintaining a high fee level so he did not let his partners down was prioritised over having excellent internal and external relationships.

Was it the competition for being the top rainmaker—perhaps to prove their worth—or was it the attitudes, values, and expectations of coming first, part of each participant’s innate drive that underpinned the competitive approach to fees? There is prestige attached to the status of the top fee earner in a law firm and there are a multiplicity of reasons as to why people are motivated to be a high fee earner. This is seen by some of Parker's comments about being ‘top dog’. For George, ensuring he was a high fee earner was about not letting his partners down. For Matthew, it was about consistency. Louie simply liked to be at the top in whatever he did.

5.3.4 Work Life Imbalance

Along with the mana of being a high fee earner (regardless of whether the motivation for that position was a desire not to let your partners down or as a result of internal competition), the demands of being a high fee earner within a partnership had clearly impacted on the participants' work-life balance. As partners with flourishing legal practices, the participants were used to being busy. All of the participants acknowledged (at some time during the two interviews and follow-up interview) that they worked extremely long hours at some cost, for example, working instead of spending time with their family. Yet they did not speak highly of those they knew who seemed to focus entirely on their legal practice. Commenting on the impact of pressure to bring in fees on work-life balance, Louie pointed to “[the] Other chap X who had no life whatsoever”.

When commenting on the stock market crash of October 1987, Parker said “lawyers do really well, when things are going well, and they do well when things are going really bad”. This was supported by Louie, who commented that his workload post X earthquake increased dramatically; however, that relentless ongoing pressure led him no longer enjoy the practice of law. Parker shared: “And the phone just keeps going and the door keeps opening and there's people wanting stealing time off you all the time, I started to look forward to a time when that that wasn't going to happen”.

5.3.5 Gaining Life Balance By Resigning From Being a Full-Time Member of A Partnership

As mentioned above, each participant commented on the stress the demands of their legal role placed on their work life balance. The tension between the demands of work, whether self-, partnership- or client-imposed, and the demands of life placed stress on family relationships; noted was time spent away from family. This, however, could be said of many roles regardless of status level.

All participants commented that they perhaps did not spend as much time with their children when they were younger due to work commitments and expressed the wish to be able to spend time with them now they were retired from the partnership. While Matthew said, "Looking back, I possibly think I worked too hard when they were young", he was also clear that (in retirement) there would be boundaries as to how much time he would spend looking after grandchildren. At the same time, he added, "if you can give back now [by helping with grandchildren] sort of helps to round out the equilibrium a wee bit".

This approach was not uncommon. Louie was a great supporter of his grandchildren. "I probably missed a whole lot of family events with my kids because I didn't have the time to go to them. So, these days, if one of the grandkids was getting an award at school, I'm always there. And I could never do that before".

Bridge's (1986) pioneering work on managing transitions saw that with any transition process from one identity to the next, there would be losses and gains. When asked about the gains and losses of being a retiree, the participants were all more focused on what they had gained, and life balance was one of the gains as is seen by their comments. As Louie highlighted, "I've got a life now for me", further explaining that it was about "getting control of my life instead of working to everyone else's timeframes, demands and things".

Choice was identified by each participant as one of the gains of retiring from their partnership. For each of them, retirement meant they could choose how they spent their time. Parker was clear that one of the gains of retirement was that he could choose what he was going to do rather than having it dictated by his work schedule.

In his introduction, Louie commented "Throughout my legal career I saw being a member of the legal profession meant you put the client ahead of your own personal position, and there was a personal and family cost to that". Parker, commenting on the issue of choice, compared having to commute to work pre-retirement to having the flexibility to choose whether or not to commute post-retirement.

George was clear that “My main reason for retiring was I was that I was pretty stale from the long hours and heavy workload and really needed a break/change. I considered making a change but decided I was too old to do so. I also wanted to be free to do other things such as spending time with my family and travelling.”

Matthew resigned from his consultant role at the age of 71. In his introduction, he said “the main catalysts for me leaving were a desire to have less of the grinding work pressure, escaping from the need to keep up with the younger partners in terms of ongoing work and fee output, and the need for a more balanced lifestyle.”

While no longer competing to be a top fee earner, being busy was still important to participants. This can be seen from Louie saying, “Because I still seem to be quite busy. But it is at a different level. So, it is a balance between being occupied and busy and having the time you want, to do what you want to do. That sort of tension.” Louie’s level of busyness surprised him, but Matthew, who had always been heavily involved in the community, was aware that in retirement his volunteer hours “will build up because I like the rhythm, and I like to have plenty to do.”

5.4 Retirement and The Lawyer Identity

5.4.1 Challenging the Definition of Retirement

Whether a person had retired or not was not necessarily clear from the participants stories. Louie summed up this ‘grey area’ (excuse the pun) by saying “If I am retired and that is debatable.” Parker, who had recently resigned from his role as a partner in a leading national law firm and had a wide range of non-work activities and hobbies, when asked if he considered himself retired said:

I am retired from this role. And I'm just really following in the footsteps of partners that ... would leave the firm but pursue other activities. And which I understand is different from how maybe some people view retirement which is ... you retire, you cease working

you. I don't know, you go home, and you sit in your lazy boy chair watching TV and drinking.

Parker

When asked for a general definition of retirement, Louie said “Yeah, probably giving up paid employment would be the initial response”. When asked how he would define retirement for himself: “you don't retire from life. I guess, in my case, retirement, if I am retired, and that's debatable. I have a change of career; I transitioned to a new role. So, I don't really see myself as retired, per se”. Throughout my discussions with Louie, his responses indicated a challenge to the meaning of retirement. He saw it through a broader view as is implied in his statement, “you don't retire from life,” challenging the ageist view that once retired from your paid working life you have nothing to offer.

Matthew's original thinking about the meaning of retirement changed over time—possibly as he himself aged—moving from “retirement just made you retire and just that's the end of things” to “I think now retirement is just a change of life. And now I'm working on the basis that you can still be creative and busy but just doing other things”. For George, his view had always been that “retirement is about being able to do what you want when you want”. The theme of choice being a factor in retirement also came through from Parker in relation to how he chose to spend his time.

An unexpected finding of this research was that three of the participants who identified themselves as retired in the screening questionnaire, at various stages of the research process said they did not consider themselves to be retired. Contradicting the participants' non-retirement state were the retirement functions held for each when they ceased to be a member of their legal partnership. Yet their position was as follows: although they had retired or resigned from their legal partnership, as they were still in some form of paid work, they were not retired.

Although much of the world no longer has compulsory retirement (Sargent, 2013), retirement is still closely linked with eligibility to receive a pension and because of this link retirement

has a strong association with being old (Manor, 2017). None of the participants mentioned any link—even in jest—between their resigning/retirement from the partnership and being eligible to receive national superannuation. They had all, however, stated or implied they were financially secure.

Much as prejudices such as sexism and racism were initially not taken seriously, there is a groundswell around the view that it is not growing older that people have to be concerned about it is ageism. Associating chronological aging with functional decline is seen as commonsense and, therefore, not showing bias or prejudice. While the participants, all 65 plus, considered they had much to offer based on their skills; cognitive decline and being thought of as 'past it' was something they did not want applied to themselves.

5.4.2 When To Leave a Partnership and Processes for Retirement

Given the power and status accorded to global law firms and those who work in them, it would be easy to expect that the retirement procedures and policies in those firms would be current, effective, and legally compliant. Other than the financial process to exit from a partnership, not one of the four participants' previous firms had a detailed retirement policy. As previously noted, after an introductory transition period from 1993 through to 1999, the Human Rights Act (1993) resulted in compulsory retirement being repealed in New Zealand, aside from a small number of defined roles such as judges, and coroners (Fitzgibbon & Roberts, 1999; Human Rights Act, 1993, s. 21(1)(i)(i)). Yet one participant's firm, while removing the retirement age from the partnership agreement, had an 'unofficial' understanding that partners would resign when 65; another was quite open about wanting a participant to leave in order to pass on his busy practice to younger lawyers who needed the work.

The participants all commented on at least one older person who had to be managed out of the partnership or firm due to non-performance or they were aware of someone who was old and were sceptical of whether that person was cognitively capable of performing. It was clear that none of them wanted to be seen in that way and even clearer that none of them

considered that they, themselves, were anything other than cognitively robust when they retired.

Matthew, pre-retirement, had a mature practice requiring him to put in a 60-hour work week and he was seen as a source of legal knowledge both technical and applied. Nevertheless, he said, “I think it is sometimes hard for you to recognise when the right time to go is” and he did not want to be perceived as “he’s getting older, sooner or later he will make a mistake.” .

Louie and George chose to retire, and it was evident that they were very comfortable with their decision. George was happy with the transition to retirement process he used, which was over time dropping to four days, then dropping to three days before retiring completely from the partnership. He fully retired from the partnership just before the COVID lockdowns and he commented that, given the chaos that COVID caused from a business perspective, he was grateful he did not have to deal with it. While Louie’s passion for the practice of law was obvious, he had stopped enjoying it as was evident from his statement: “When I walked out of the office on the last day. It was a great weight lifted from my shoulders.” The catalyst for two of the participants to transition to retirement was that they had stopped enjoying the practice of law. For one, this was brought to a head by a natural disaster, and for the other by increasing changes to the practice of law, for example, compliance needs.

Commenting on the perception of older lawyers, Matthew said, “There’s, you know, there’s a good side to it and a bad side, but the good side being the wisdom and the bad side being ‘he’s hanging around and he is hanging on to a whole lot of fees, which I’d [younger lawyers] rather have’.” Perceptions—rightly or wrongly—of cognitive impairment due to aging were also evident. Matthew commented on a practicing lawyer who he thought was in his 80s:

half the time you wonder whether he knows what he’s talking about. That sort of thing? Well, gradually, you’re going to get that unless somebody puts a stake in the ground, you gradually will get that way. So, it’s probably quite good to have that [end date].

Matthew

5.4.3 Retirement Choices and Strategies

Much like the definitions of retirement, the socially constructed meanings of successful and unsuccessful retirement are both mixed and contradictory, ranging from ‘the busier you are the better’ through to buying a caravan as retirement means more time for relaxation. Depending on their perceptions of a successful versus unsuccessful retirement, each of the participants chose to fill their time in different ways. These included 1) remaining involved with the firm or legal based work, 2) community work either paid or unpaid, 3) involvement with family and grandchildren, and 4) hobbies. What might be perceived as a successful retirement by one participant, such as remaining involved with a previous legal firm, might be perceived by another as an unsuccessful retirement featuring someone who can’t let go. Yet another might see being heavily involved in unpaid community work as the sign of a successful retirement.

In contradiction to the image of a retired professional person missing his previous role, Louie was very clear when asked:

did I miss going to work, and I said not for a minute. I've never actually missed it to be honest. I still, I mean, the job was dealing with people in a certain direction, their problems or helping them navigate through a legal system, where I guess I'm still doing the same, but in a slightly different sense. I'm still dealing with people. I've got XYZ colleagues, XYZ staff, and still interact with the public, many of whom were former clients.

Louie

It was apparent from the first interview that post-retirement Louie had always planned to be involved in leadership roles. Louie was just as clear that he did not wish to continue being a partner in a law firm.

In their post-partnership life, and outside of any specific legal role ranging from community involvement to business advisory work, all of the participants used—to different degrees—

their legal skills and experience. Louie found that “I sometimes get approached to do things because of my legal background.” When asked if he was asked to do things because of his post-retirement role as an x or because he is a former retired lawyer, Louie responded that he thought it was a bit of both.

Matthew believed that if he had the skills that could be used for the greater good of the community then he needed to use them. And he was adamant that in retirement “the main thing that I’m interested in retaining it’s just being involved in things”, being “useful to the community”. For Louie, those ex-lawyers who “just want to be ex-lawyer status, so they can try and command and control a whole lot of stuff for no good purpose. I find that a bit distasteful”.

George, whose transition to retirement had started with a four-day work week some years before he fully resigned from the partnership, now has several non-legal related outside interests. Perhaps reflecting his rural location, he emphasised that these did not include “hunting or sailing,” nor was he “interested in doing directorships or you know doing another job or anything like that”. For George, unsuccessful retirement would be “if you were sitting around thinking ‘what will I do’ or ‘I miss the legal stuff’.”

In the transition to retirement, on the one hand, all participants were aware that there was a risk of becoming too busy in retirement; on the other, three of them commented that at times they had wondered what they would do with their time. Three of the participants identified that having a structure or things to do when they were retired was important. ‘Things to do’ ranged from a balance of paid work and hobbies to community involvement.

Two of the participants had been heavily involved in community work from a young age. They had both continued that work when they stepped down from partnership/retired. Louie had multiple national and prestigious awards for community involvement. Underpinning Matthew’s experience was the belief that “Usually if you are giving something into the community you actually wind up getting more out of it than you put into it’. He had been warned by retired friends “don’t commit yourself [in retirement] to too much too quickly because all of a sudden,

you can find yourself with less spare time than ever". Conversely, one of Parker's friends had told him he could always drop things if he had taken on too much.

Being a strategist was an underpinning theme through Parker's interviews (as can be seen in the earlier excerpt with his rationale for picking law: his friend, whose father was a lawyer, lived in a house with a swimming pool so must be rich and Parker had an expensive hobby). He also had an ability to recognise and respond to opportunities which came his way. This was obvious in Parker's transition to retirement during which he managed, maintained, and developed a diverse range of paid and unpaid activities.

Parker's creation of his post-retirement identity was clearly considered. It included being part owner of a growing computer company which started a number of years pre-retirement, low-level contract work in a corporate organisation—in part for interest and the later realisation by doing so he would develop skills relevant to the computer company—and intermittent paid tourism activities related to one of his hobbies. It also included on-going work as a consultant looking after two elderly, high net-worth, ex-legal clients who were in poor health, and their families. As part of working with the ex-clients, he negotiated to remain under the umbrella of his ex-prestigious law firm so he could use their resources, including being able to use their name when communicating with international banks, etc. His rationale for that was:

I don't want to turn up as Parker Smith, consultant, I want to turn up as Parker Smith, consultant to XYZ. We're one of the largest law firms in New Zealand. And here's my card. And I think that makes a difference.

Parker

The connection with the law firm meant that he came under the umbrella of their indemnity insurance. Parker had managed the complicated legal, and at times non-legal, affairs for the ex-clients for many years before dropping to the position of a non-lawyer consultant post-retirement. It was obvious he enjoyed working with the clients who were also in the short term a source of income, though the ongoing work with the two ex-clients could be seen as a

reluctance to end neither his association with a prestigious law firm nor his relationship with two wealthy clients.

Some of the participants over time had collected what could be conceived as the ‘tools of retirement.’ Louie acknowledged that “we've got a caravan that we don't use enough” due to the busyness of his retirement. Other such tools were such things as electric bikes, boats, and being given golf lessons as a suitable retirement gift—this was Louie who had no interest in golf, but his wife did; he thought he was given the lessons as it was something they could do together. Over time the participants had discarded some of these tools as they did not fit into the current reality of that person’s life. An illuminating comment is at the end of Louie’s definition of retirement: “So there are things that I thought I may have been doing that I'm not doing, like might go away in the caravan more hasn't really happened. So maybe in my next retirement, those things might happen.”

5.5 Conclusion

The most obvious finding from this study, and one which is widely reported in the literature, is that those of the baby boomer generation such as the participants in this study, are more active, better educated, in better health, and as a result believe that they still have much to offer society and the world of work

Aligning with life course theory (Bernardi et al., 2019), the findings show that behaviours or traits used in one area of a person’s life were also used in other areas, for example, the work ethic held by all participants shown by school results, university results, being a top partnership fee earner, and also demonstrated in their transition to retirement/retirement regardless of whether they were being paid for what they did or not.

The findings also clearly indicate that the transition to retirement is in a state of flux. This was shown when at times, the participants chose to see themselves as retired, and at other times, perhaps due to opportunities being presented to them or recognised as such by the

participants themselves. This contradiction raises the need for consideration of the question, is it time for the concept of retirement itself to be retired or reconfigured?

The next chapter is structured around four themes that were woven through all three categories used to present the findings in this chapter. In Chapter six, Discussion, the first, theme to be discussed is identity management, the second, transition to retirement, the third, retirement and the fourth, aging.

Chapter 6: Discussion

6.1 Introduction

This chapter analyses the research findings to discuss the ways in which the participants construct and negotiate their identity in the transition to retirement. The chapter presents key influencing factors on identity construction and negotiation in, what the last 15 years have shown, is a rapidly changing and unpredictable world. The analysis does not attempt to generalise the experiences of the participants or to develop a procedure relevant for all commercial lawyers in the transition to retirement. Instead, it explores the ways in which the participants' accounts speak to the key terms of identity, transition, retirement, and ageing with reference to relevant literature.

The three broad categories used to present the interview findings in the previous chapter, are employed here to deepen the discussion. Due to the insidious embedded nature of ageing, for example, ageing being used as a marker for retirement, ageing is also included in the discussion. It should be noted that as with the previous chapter's categories, the factors in this chapter overlap and could be used in multiple themes. The first theme is 'identity management'—how the participants managed their identity during their career and the construction and negotiation of their identity. 'Transition to retirement' is the second theme, exploring the participants' navigation of the ending of an identity, through to the transition to retirement or to a new identity, retiree. The third theme, 'retirement', examines the meaning of retirement for the participants; and the fourth, 'ageing', highlights the impact of ageism on the transition to retirement.

Identity management explores how the participants managed their identity during their career, and the construction and negotiation of their identity during the transition to retirement; the second theme, transition to retirement, delves into the participant's navigation of the ending of an identity, through to the transition to retirement or to a new identity, retiree; following on

with exploring the meaning of retirement for the participants, and the fourth theme, ageing, highlights the impact of ageism on the transition to retirement.

The participants of this research had all been in a New Zealand private legal practice for 20 plus continuous years; had worked full-time for their practice up until their transition to retirement; and in the three years prior to resigning from their partnership their individual income from the practice of law was \$250 000+. Anecdotal experience shared by the participants suggests that for them to operate at this level with its associated power, status, and prestige means that their ‘lawyer identity’ and ‘professional identity’ are likely to have been their all-consuming identity prior to retirement—and in some cases, in post-retirement, their lawyer identity will continue to be their major identity. All four participants acknowledged or implied that they did not have financial concerns in retirement, that they were generally in good health—other than health issues expected as people age—and all indicated they had strong social networks both within and external to the law. Life course theory would indicate that these underpinning factors would contribute to a successful transition to retirement (Birkett et al., 2017, Wang et al., 2011).

6.2 Identity Management

The purpose of this research was to determine how commercial lawyers constructed and negotiated their identity in the transition to retirement, given that the role of being a lawyer is a high-status, all-encompassing role, much like that of a New Zealand All Black—once an All Black always an All Black even when you are not. The participants all acknowledged that they were ex-lawyers, and that the skills developed and used in that previous role would influence how they—no longer in a partnership role—approached issues, such as taking an analytical approach. Notably, they did not refer to themselves as an ex-lawyer; rather, their focus was on the skills that they had used in the practice of the law, many of which they still used whether in paid work or volunteer work.

According to a study by Smith, et al. (2024, p, 1167), “the identities that older adults identify with influence their decisions to continue working (i.e., bridge employment) or to volunteer.”

(p:1167). That identity could be a high-status paid or volunteer role, the status level of which is due to the high-status level of a previous identity, or that identity could be a busy volunteer role meeting the desire to be altruistic and/or busy (Thoits, 2012).

After my review of the literature relating to retirement of those with high-status roles, including that of the retirement of elite athletes (Cosh, et al., 2013; Lenton et al., 2020; Silver, 2018), the participants, like elite athletes, had an all-encompassing role, and perhaps demonstrating researcher bias, I expected a loss of status to be one of the findings. Yet even given the status level ascribed to high-income lawyers, unlike the literature relating to the retirement of elite athletes and other high-status professionals, none of the participants in this study expressed any ongoing obvious loss of status due to no longer practicing as a lawyer. Instead, the current self-perceived retiree status level of the participants did not appear in any strong way to be underpinned by the status level of their former legal role. An example, given by Parker, of what a manager in a firm he was contracted to thought of him, would indicate that others perceived their previous lawyer role and/or associated skill level to be of high status.

Three of the participants were in what could be called 'bridging' roles akin to what Smith, et al. (2024) outlines. Some of these roles were voluntary demonstrating a continuation of the kind of community investment the participants had made in earlier years. Voluntary work is important in retirement literature. In relation to the expectations of more active, better educated and healthier retirees, the link between retirement and volunteering/caring is still perceived as a useful way for recent retirees to remain busy, connected and make new friends (Salmon Health and Retirement, 2022). One finding of a study by Hung, et al. (2023) of Hong Kong adults identified the positive societal and cultural implications of retirees contributing to following generations by volunteering. The study reported that volunteering was not common for retirees in Hong Kong.

Volunteering is often offered as something to keep retirees occupied, yet what is often not acknowledged is that "The economic value of volunteering is estimated at \$4 billion a year (Statistics New Zealand, (2019), cited in Tuao Aotearoa Volunteering New Zealand, NZ vol. data insights, para.1). The occupational mix indicated that those in "professional occupations

are more likely to volunteer than those in non-professional occupations”. The economic contribution that retirees who make to society through their volunteer and unpaid caring work is often invisible instead volunteering and unpaid caring is seen as something that keeps retirees busy (Turner et al., 2020).

Of note regarding volunteering or unpaid caring, is the current method of calculating the New Zealand unemployment rate which only considers those actively seeking work Statistics New Zealand (2024a, September), and the current calculation for the employed rate, only considers those in paid employment (Statistics New Zealand (2024b, September). Those who volunteer or who are unpaid carers are neither unemployed nor employed. This ignores the amount of unpaid labour carried out in countries such as United States (Turner et al., 2020) and similarly in New Zealand Employment Relations Act 2000 (s.6 1(c)). The bulk of the unpaid labour or unpaid carer burden has fallen on older age cohorts. Therefore, the unemployment/employment rate is implicitly biased against these cohorts and, until the metrics change, around age, unpaid labour, and retirement will not change (Turner et al., 2020). The New Zealand Human Rights Act 1993 which lists age (s.21,1, (i) i ii iii) as a prohibited ground for discrimination also lists employment status (s.21, 1, (k), i) as a prohibited ground for discrimination. The Employment Relations Act 2000 (s.6, 1, (c)) does not define a volunteer as an employee. This results in volunteers neither being employed nor not being unemployed.

The traditional meaning of the legal profession, along with the expectations placed on those belonging to it, is in a state of flux. As graduates, the participants entered a traditional profession with expected behaviours, based ethics and a sense of responsibility towards others. These values have changed in the legal profession as indicated by the statement made by Louie at his retirement function “I joined a profession and left a business”.

Although generally made as a side comment, the participants all made reference to elements of the legal profession. For example, Matthew mentioned someone being “one of the old gentleman lawyers”. Yet for Parker, who was required to leave the partnership as he had turned 65—clear evidence of age discrimination—challenged this illegal requirement on the

basis that such action was simply not 'done' by those in the legal profession—or perhaps by those who still adhered to the expectations of the traditional legal profession.

For Matthew, the concept of altruism is a vital part of the legal profession (Saks, 2021; Thornton, 2021) and was a very important part of his legal practice. Yet volunteering is central to his whole life—reflecting his personal values and beliefs—including during his transition to retirement, as shown through the range of volunteer work he undertakes (Hooker & Ventis, 1984; Lengfeld & Ordemann, 2016). Altruism, then, is clearly part of Matthew's life regardless of his career path, though he also emphasised that he personally gets more from volunteering than he puts in.

Before his retirement from the partnership and in line with current style trends, Parker had adopted the habit of no longer wearing a tie with his suit. Yet in anticipation of leaving his profession and legal identity, it was the traditional trappings of a lawyer that Parker farewelled when he:

made it a point in my last year to always wear a suit on Friday, with a tie, and at the end of every day, I would take my tie off and ceremonially dispose of it in the rubbish bin.

Parker

It was not his current self being farewelled but the traditional professional attire which had been part of his life for so long but had been superseded by a more relaxed style of dress, which he wore. All participants mentioned that there were occasions when a suit needed to be worn to project a sense of gravitas. In terms of the transition to retirement, this could suggest a desire to retain a link with their previous profession or could simply be a norm for their demographic—or a mix of both.

Somewhat at odds with the literature such as that by Teuscher, (2010), Davis & Love, (2017) and Bordia et al., (2020), for the participants it was the functions of a lawyer, such as the ability to analyse or problem solve (regardless of whether this was an innate ability and/or honed to a high level over years of being a commercial lawyer), which appeared more

important to them, rather than their previous identity attached to the partner role. Linking back to the Protestant work ethic (Furnham, 1990), whether as a partner in a law firm or in their transition to retirement, doing the job well was important.

6.3 Transition To Retirement

A major surprise for me during the research process was meeting people who did not consider themselves retired (yet from what I knew about them I assumed they were) or who fluctuated between seeing themselves as 'retired' or 'not retired'. Yet when directly asked if they considered themselves to be retired all of the participants said 'no'. These contradictory views link directly to the fluidity of movement in Bridges (2009) transition model and align with the Elizabeth Kübler Ross's grief framework (Kearney & Hyle, 2006).

Bridge's (2009) transition model explains how a person can have a dual identity, such as being retired and not being retired. This insight changed the focus of this research from retirement to the 'transition to retirement'. As previously mentioned in Chapter five, one experience was during a virtual presentation by me, about the study. Two of the attendees who contributed to the discussion had implied or stated that they were not in paid work. One was receiving superannuation, and the other was two years away from receiving superannuation (and described herself as being self-sufficient). When individually asked if they considered themselves retired, both firmly—in fact one vehemently—replied 'no'. In the spirit of the multiple truths of social constructionism, there are multiple ways to look at the two attendees' responses: as an example of Weiss and Lang's (2012) age group disassociation; as a demonstration of Bridge's (2009) three-stage transition model, where the person going through change can be in all three stages at once; or as being underpinned by Davis and Love's identity stability (2017) or Teuscher's (2010) role identity. Potentially, it could be a mix of all four.

The multiplicity of meanings for retirement (Borland, 2005; Steiner & Amabile, 2022) also meant there was no universal transition process followed by the participants. While all of the study participants had retired/resigned from their partnerships (two of them forced

retirements), three participants had not retired from the world of work, as is becoming increasingly common in the transition to retirement (Bordia et al., 2020). Notably, the two participants who were forced to retire both commented (positively) that having a due date to leave enabled them to move forward in their transition process. They were initially not happy at the removal of agency in relation to choosing when to retire. Yet, over time, both found that having a definite end date was useful in their transition to retirement. An end date brings certainty in the uncertain time of transition (Bridges, 2009). For Matthew, being given an end date ensured that he would not still be working at an age where others would perceive him as likely to make mistakes due to cognitive decline. This could be interpreted as him not wanting to do a bad job, something that was important to all participants, or wanting to dissociate himself from being seen as old and cognitively deteriorating—a point also made by Weiss and Lang (2012).

It is possible that not seeing themselves as retired is due to the multiplicity of definitions for retirement (Borland, 2005; Steiner & Amabile, 2022) ranging from a total withdrawal from paid work through to a range of different jobs, leisure time, career change (Bordia et al., 2020). Conversely, it is also possible that they were processing the ending of one identity while transitioning to another identity, that of a retiree identity, the transition process outlined by Bridges (2009). The second experience (previously mentioned in Chapter 4) was with a pilot participant who agreed to take part as he fitted the criterion of being retired but responded 'no' when asked during a session if he considered himself retired. Ten minutes later his wife joined us and almost immediately said 'since you have been retired'.

Bordia et al., (2020) identifies how work-related and non-work-related role identities drive the effectiveness of the transition to retirement process. The participants previously were in a high-status, highly paid commercial lawyer role and were seen as productive members of society. Once resigning/retiring from their role as a partner and still seeing themselves with much to offer, the entry into another role, in this case the role of transitioning to retirement or in the role of a retiree not in the paid workforce, they were seen as non-productive members of society—or not seen due to the invisibility of ageing (Calasanti, 2020; Manor, 2017).

The findings of this research strongly support Bordia et al.'s (2020) study, which highlighted multiple identity roles, as shown by the participants' strong societal contributions via non-work-related roles in their transition to retirement identities. For example, Louie's transition involved a range of different jobs, leisure time, and career change; he was involved in local politics (paid) and volunteer work, had a huge interest in cars, was an active member of interest groups, and enjoyed travel as well as family involvement.

The research participants were all members of the legal profession, and professionalism as perceived by Goffman (1959) is about delivering a performance or 'front stage' act in front of users. For the participants to operate in the lawyer role with its associated power, status and prestige, it was surmised that their 'lawyer identity' and 'professional identity' is likely to have been their all-consuming identity prior to their transition to retirement, which was supported by the findings. The literature suggests that, in some cases, in post-retirement, those identities continue to be 'the' major identity (Manor, 2017); however, the findings in this study did not support this view.

6.4 Retirement

Preparation for retirement goes beyond financial preparedness, yet the latter receives the most attention in the available retirement literature. I chose to focus on the non-financial aspects of retirement, not because the participants will be assumed to be financially secure, but because their commercial lawyer role was likely to have been all-encompassing and I was interested in how they constructed and negotiated their identities as part of the retirement process.

Changing their understanding of the meaning of a retiree identity could be viewed as evidence of discarding previously accepted socially constructed truths in relation to the traditional retirement work versus no-work binary (Dong et al., 2017; Gilleard, 2022). However, from a social constructivist perspective, it can be understood that as the three retirees approached leaving their partnerships—and were likely perceived as retiring by others with whom they interacted—they took a more inward-looking cognitive approach to the creation of retirement

knowledge in relation to themselves (Andrews, 2012) Their reflections on retirement meant they no longer accepted the 'truth' of the traditional socially constructed retirement knowledge. For example, one participant, as he retired from full engagement with the paid workforce and as he aged, no longer accepted the retirement paid work non-paid work binary. Instead, he took a more introspective approach as he made sense of his retired aging identity.

This participant's experience could be seen as retiree group dissociation (Veelen et al., 2020), or it could be chronological age dissociation linked to the socially constructed truth of universal decline and decay of aging identified, a truth which (Manor, 2017; Melville et al., 2021, Wang, 2010, Weiss & Bass, 2021). While chronologically aged 70+, he was functionally healthy, educated, and active. This resulted in him seeing retirement as an on-going transition process from the go-go period of the ages of 65 to 75, the go-slow from 75 to 85, and the no-go from 85 plus (Chapin & Coutts, 2017). From another perspective, this go-go, go-slow and no-go model, much like the third age and fourth age categorisation, could be seen as pushing out the chronological meaning of old age. While these groupings are potentially useful, there is no universal guide for the functional ability of a 75-year-old. Perhaps those who are currently in their early 70s will lobby for the chronological starting age of the go-go stage to be increased as they approach 75 years of age, and do not want to be seen as belonging to the 75-85 go-slow cohort.

Another participant, who post-retirement did not engage in paid work, implemented his exit from his legal partnership over several years, accepted the traditional view of the retirement binary of paid work/nonpaid work, and defined and accepted his identity as retired. Yet, in terms of Manor's (2017) retirement-aging paradigm, this participant did not see himself as having an 'old' identity; he led an extremely active life maintaining his lifestyle block and holiday homes along with significant community and family involvement.

This could be seen as an example of Weiss and Lang's (2012) age-group dissociation; it could also be seen as an example of a person with a strong work ethic (Hooker & Ventis, 1984) and used to being busy and productive. Furthermore, it could be seen as a sign of that person being particularly healthy and in good physical condition such that the socially

constructed meaning of chronological age and the associated decline and decay of aging was not relevant. Conversely, a study on how retirees shape their identity “reveals the negotiation retirees conduct with old age, age and body, and how identity is shaped by way of denial” (Manor, 2017, p. 985), which could suggest that rejecting the old identity, as indicated by the participant example, equates to the denial of the decline and decay of old age.

The ‘truth’ of retirees, such as the participants, is that regardless of their age or employment status, they have much to offer society. Of concern is that the political drive to define one truth is likely ‘to validate some forms of human life and to invalidate others’ (Burr & Dick, 2017). Regardless of the definition, the transition to retirement has never been a simple ‘before-retirement and after-retirement’ process given that people have always had to come to terms with the psychological aspect (Bridges, 2009; Steiner & Amabile, 2022) of the exit from one role to another.

Louie summed up this ‘grey area’ (excuse the pun) as to when someone is retired by saying “If I am retired and that is debatable”. All of the participants had retired from their legal partnerships, yet each was actively engaged in a range of work and/or nonwork activities. For those in the young old age category of 65-75—the ‘go-go period’ mentioned by Matthew—transition to retirement captured their). Indeed, three of the participants did not consider themselves to be retired. Instead, although having retired or resigned from their legal partnership, they were still in some form of paid work, so they saw themselves not as retired but as transitioning to retirement. Yet, as an example of contradicting the contradiction, during other discussions, these participants would say they were retired.

This ‘flipflopping’ between being retired to not being retired aligns with Bridges (2009) model of transition where it is possible to be in all three stages at once (ending of an identity, transition, beginning of an identity), although we will be more in one stage than the other two. As this author explains, moving through the model is not always a forward trajectory; our position can change depending on the context. Drawing on Bridges’s model, it can be proposed that while physically a participant could have resigned or retired from their partner

role, psychologically they may see themselves as not retired and identifying with their previous role. The exception to this was George, who retired aged 63 and said he was “ready to retire”. He had thought about making a change to the type of work he did instead of retiring, but he perceived himself to be too old to do so. An example, perhaps, of Morrow-Howell and Gonzales’ (2024) view that ageism comes not only from external sources, but also from internalised ageism, both representing insurmountable barriers to productive aging.

Contradiction was also seen when at times all the participants referred to their previous firm as though they were still a part of it, while at others their previous firm was like the ‘Queen Mary’ that had sailed on without them (example given by Parker).

Along with the literature, the participants' view suggests that the concept of retirement may itself be in a transition—or perhaps it is the retirement of retirement (Borland (2005); Steiner & Amabile, 2022). As mentioned by Niesel et al. (2022), this discrepancy may be explained by the removal of a compulsory retirement age (by much of the world including Australia where Niesel et al.’s (2022) study took place), due to an increase in life expectancy because people are healthier, have higher levels of education, and are leading more active lifestyles as they aged.

6.5 Ageing

In accordance with life course literature, the findings clearly identified that just as for a five-year-old child, starting school is a marker of getting older, retiring is also a marker of getting older. The literature reviewed (World Health Organisation, 2021) and comments made by the participants (about themselves or other lawyers), demonstrate the embeddedness of ageism in everyday society. This extends to the participants themselves, as evidenced by their desire not to be viewed as the lawyer who had stayed too long at work or was in cognitive decline.

The participants in general did not refer to encountering ageist attitudes towards themselves, perhaps due to their personal dissociation with being old. However, the social devaluation of old people shown through ageist stereotypes was clearly portrayed by the participants (Weiss

& Lang, 2012). All four participants were quite negative when talking of old lawyers they knew who were or had been non-performers. They saw these people as demonstrating little insight into their performance and being a problem for the partnership. Each participant gave examples of a lawyer who had 'gone off the boil', yet none of the participants saw themselves as having 'gone off the boil' or even 'going off the boil'. Any association with the decline of age was delivered ironically, such as Parker when he referred to himself as "this old bloke, he's about to retire". Ironic or not Parker's statement highlights his recognition that he is aging and retiring.

Not associating themselves with being old aligns with Weiss and Lang, (2012) whose "results suggest that older adults are more likely to psychologically dissociate themselves from their age group when negative age stereotypes are salient" (p. 153). Potentially showing age-group dissociation through distancing themselves from such groups (Weiss & Lang, 2012), each participant instead perceived themselves as being a full contributor to their own partnership up until they left the partnership, (shown through maintaining fee levels and maintaining their client base), and post-partnership those involved in paid work positioned themselves as having much to offer a workplace or society. Potentially the participants, were negotiating the discrimination created by what Riley (2003) and Calasanti (2022) explore in terms of the combination of aging, transitioning to retirement, and masculinity.

Social identity literature demonstrates that we have multiple identities that are constructed through categories identified through internal as well as external processes. These identities reflect and reproduce social inequality as part of wider power relations in society (Jenkins, 2014). One unanticipated finding was the that two separate core identities were navigated by the participants, those of a retirement identity, and an old age identity. The need to balance these identities was also an observation made by Manor (2017) and was highlighted in the participant discussion of their concern around not being seen as going into a cognitive decline or comments about being seen as wise. There discussions around aging were separate to their discussion around retirement. Both identities tend to be less valued, for example, being a retiree rather than being a high-status, high-income commercial lawyer, and being perceived as chronologically old, rather than young (Teuscher, 2010; Weiss & Lang, 2012).

The discomfort with both identities felt by the participants and reported in literature are clear examples of the embedded nature of ageism.

When planning for retirement, each participant was aware of a partner or partners who had stayed working while showing signs of age-related cognitive decline. They implied that they did not want to be that person, particularly someone who 'hung around' as they did not have non-work-related interests, this position was similar to that found in Weiss and Lang (2012).

They all acknowledged being high fee earners—a position which was given status within the partnership and firm in general—and earning high fees required at times not having a life outside of work, which was seen as part of that package. Yet, demonstrating age group dissociation, none of them wanted to have the reputation of a person getting older who did not have life outside of work, again a similar position that found in Weiss and Bass (2021). It was clear that all participants knew someone who had no or limited non-work-related interests, which resulted in the person staying in the workplace and not performing.

The participants had examples that staying-past-your-use-by-date generally resulted in eventually being performance managed out of the practice. As found in Weiss and Lang (2012) the participants were all quite brutal in their assessment of such people and either stated or implied that they did not want to be that person, and that they had no wish to be associated with age-related decline due to ageist negative attitudes towards aging.

Essentialist beliefs may lead people to accept chronological ageing as having a predestined fixed functionality which feeds into them accepting/perceiving limits to what they are able to do as they age (Weiss et al., 2022). Evidence of a compensatory strategy to a potential external ageist view was seen by Louie who, when filling out an application form, focused on his level of skill and experience rather than identifying his age. For people with essentialist beliefs, this could trigger an ageist reaction.

The seemingly commonsense perception of a close link between retirement and aging—and the decline associated with ageing—has been outlined by Manor (2017). Yet the participants

generally did not see themselves as old, although they could all identify other lawyers who showed decline with age and the associated 'going off the boil' (Weiss & Lang, 2012). Matthew said when he moved to a consultant role after retiring from the partnership, potentially he could be seen as either wise due to his knowledge and skill level gained through his many years of legal experience or, conversely, he could be seen as someone who wouldn't let go of clients and was blocking younger lawyers coming through. Matthew had previously made very blunt comments about the cognitive ability of a lawyer he knew who was still practising in their 80s, and the acceptance of an end date meant he may not have to risk continuing on as a lawyer when he might be perceived as being in cognitive decline (Weiss & Lang, 2012). Conversely, and somewhat ironically, demonstrating a changing perception that comes with ageing, Parker acknowledged that when he was aged 26 another lawyer who was in his early 40s seemed old. Yet when Parker was in his mid-fifties, and that same lawyer was 70, a 70-year-old to a 55-year-old did not seem that old.

~~A final note on ageing and retirement relates to the embedded discriminatory views associated with ageism. Bridge employment and labels like it figure highly in retirement research such as that by Carlstedt, (2018), Moon & Lam (2015), and Wang et al. (2008). However, this aspect was not explored in the study, as I see them as ageist, symbols of not being able to be fully engaged. It is also of note that I see the phrase 'transition to retirement' ageist as well due to it still being linked to the word retirement and the associated ageist assumptions.~~

6.6 Conclusion

Though change is a constant, the sheer amount and speed of change in the areas covered in this research has been exceptional. Where formerly, law firms were understood as being part of a profession with its own associated rules and expectations, the focus shifted to being a profit-making business in order to survive. Lawyers once operated in a world where a gentleman's word was enough; in the current world, the need is to ensure that all legal practices meet compliance requirements. In New Zealand 65 years of age is unofficially linked to retirement and becoming a retiree as it is the age government superannuation can be

accessed. However, multiple factors such as there being no compulsory retirement age, and a healthier, better educated and more active 65 plus demographic have resulted in changes to when people withdraw from paid work. This demographic is aware that they have much to offer as productive members of the workforce and have a desire and need, to work past the age of 65 years.

While the transition to retirement can be challenging, particularly for those in high-status, high-power, professional roles such as lawyers, there is a noticeable lack of research specifically targeting professional groups and this transition. As the researcher, I was aware that I expected the participants would be reluctant to let go of the high status ascribed to the lawyer identity and that they would retain an identity with their previous role in their transition to retirement. Yet the findings of this research did not support this. The participants appeared to relish their new roles and identities with their previous law partner/lawyer identity no longer being their highest priority. This was also true of Parker who still held a practicing certificate due to his consulting work. The lack of support for this observation in the literature may be due to the strength of the multiple identities, including unpaid work or volunteering, hobbies, family involvement, which all the participants of this study had in varying degrees in their transition to retirement.

Consciously or unconsciously the participants spent time planning their transition to retirement. For each, being perceived as productive right up until they left their partnership was important. Part of all the participants transition to retirement was identity management, which was seen as developing new—or revisiting previous—non-work-related roles. Those who retained a link with their previous law firm gave rational reasons for retaining that link, such as it made commercial sense. At times, it was difficult to assess the probability and possibility as to whether the rationale used for retaining the link was genuine, or as highlighted by Teuscher (2010), a reluctance to let go of their previous role identity or a mix of both.

This chapter makes it clear that the findings of this research and the associated literature do not produce a definitive answer to their respective research questions. Instead, the findings and associated literature are used to provoke thought, to suggest that the traditional concept

of retirement is tightly wrapped in the tentacles of ageism. And rather than a single definition, there are multiple constructions of meaning for the transition to retirement.

Chapter Seven concludes the research by exploring the findings and analysis with reference to the research questions of this study.

Chapter 7: Conclusion

7.1 Introduction

This study explored how four commercial lawyers constructed and negotiated their identity in the transition to retirement. Traditionally, those perceived as having retired are positioned as old, regardless of their functional ability, and thus non-productive members of society. Yet the findings of this study highlight that the traditional concept of retirement and 'old' is no longer valid or relevant. The participants belong to a healthier, better educated, and more active cohort. They are part of global phenomenon of people living longer and changing the act of retiring. For example, people who previously would have retired from paid work and moved from a working life to a non-working life are choosing to remain in paid employment employed for longer.

Like many countries, New Zealand no longer has compulsory retirement legislation, but superannuation payments for most New Zealanders start at 65 years of age. On the surface, not having a compulsory retirement age could be seen as removing a barrier to those choosing to work for longer. However, the chronological age of 65 and the associated ageist beliefs of decline and decay for those perceived as old are still linked to retirement through access to superannuation. Attributes, such as cognitive decline, are socially assigned to those who are perceived as old due to their chronological age, are embedded in society, and accepted as common sense.

The study participants in transition to retirement are having to navigate ageist attitudes at the same time as challenging traditional views of retirement and aging. The link between retirement and aging has meant that while the participants accept—as we all must—that aging, they are refusing to accept stigmatised views due to their chronological age, such as being seen as sinking into decline and decay or made invisible. Instead, they have claimed spaces and roles and see themselves, as they are, productive members of society.

In this chapter, I first discuss three broad topic areas that emerged from the findings. These are: the tyranny of ageism, commercial lawyers transitioning to retirement, the importance of work-related roles and non-work-related roles in the transition to retirement. Next, the overarching research question and its four sub-questions are answered. This is followed by identifying the research limitations. The chapter concludes with suggestions for future research.

7.2 The Tyranny of Ageism

The privileging of youth over age (as outlined in earlier chapters) can be seen as an indicator of the socially embedded acceptance of ageism. Ageism's insidious tentacles are revealed in my findings where, for example, a participant worked hard to ensure that their fee production was in line with younger lawyers. Regardless of the participant's high level of revenue production, he was given an unofficial compulsory retirement date linked to chronological age (which he chose not to challenge). Other members of the partnership, it appeared, were working on the ageist assumption of cognitive decline among older workers.

Constructing and negotiating an aging identity (chronological ageing or functional ageing) and constructing and negotiating a retirement identity (regardless of the definition used for retirement) are separate experiences and identities. Yet retirement and aging along with the ageist assumptions made about chronological age are inseparable in discussions of retirement. The privileging of youth over age potentially leads to ageism in relation to those who are perceived as, or who are, retired. As such, the retirement and aging reflect social inequality between two groups those who are younger, employed and seen as productive compared to those who are old, retired and seen as non-productive. For the participants of this study, irrespective of the high status, wealth, and power that comes with their professional roles, "even the most privileged people will become old and at that point, become invisible, their voices and choices not heard" (Calasanti, 2020, p. 199.).

Ageist stereotyping is embedded in society, as a result it is difficult to name and discuss the resultant discrimination. Ageism needs to be made visible and critiqued in order to reduce

its impact on individuals—such as the participants in their transition to retirement—families, workplaces, and institutions.

As is shown in the findings from this study, the participants' perception and belief in what they have to offer in their transition to retirement is a direct challenge to many of the multiple truths around the decline and decay of ageing traditionally associated with retirees chronological age rather than functional ability.

While the literature highlights that ageism is discriminatory, it does not do justice to how insidious ageism is in the lived reality of daily lives. The participants will in general be perceived as old due to their chronological age, and as such are deeply concerned about being perceived as going into the physical and cognitive decline associated with aging. In a range of ways of ways, they dissociate themselves from being old. The participants of this study, by their agentic behaviour and belief that they have much to offer as productive members of society are challenging the supposed 'truth' regarding the decline and decay of ageing traditionally associated with retirees chronological age rather than functional ability.

7.3 Retiring but not retiring

The findings from this study demonstrate that commercial lawyers who choose to remain in the paid workforce while transitioning to retirement are resigning from the partnership, not retiring (unless that is what they chose to do). In other words, their career equates to the series of jobs they have had in the past and will have in the future. This combination of findings contributes to the creation of knowledge and resultant understanding that they are transitioning to retirement, not retiring (unless that is what they choose to do). Here, we gain the understanding that transitioning to retirement generally involves the need to be aware of – and taking advantage of - the multiplicity of paid and unpaid options available to them.

Being aware of the insidious link between ageism and transition to retirement may help those lawyers to understand that in the transition to retiring they are navigating the creation of two separate identities: an aging identity and a retiring identity. For some, it will entail negotiating

the discrimination created by what Riley (2003) and Calasanti (2022) explore in terms of the combination of aging, transitioning to retirement, and masculinity.

Stakeholders, such as government departments, educational institutions, and employers, should be aware of ageism as the last socially accepted prejudice and the need for effective strategies to combat the social construction of ageist stereotypes.

7.4 Beginning the transition to retirement early

Work in the transition to retirement could be full-time at a different/lower level, part-time, or contract; it could involve volunteering or business ownership. Prior to resigning or retiring from their partnership, each participant had work-related roles and strong non-work-related roles—both of which are important in the transition to retirement.

Rather than basing their current identity solely on their previous role as a commercial lawyer, the participants had multiple identities, the importance of each varied depending on the context they were in. This study's point of difference is that the participants in their initial transition to retirement were—and continue to be—aware of a multiplicity of options available. Furthermore, as a result of how they have individually navigated the construction and negotiation of their identities in the transition to retirement, the participants perceived themselves as productive members of society with much to offer now and in the future.

7.5 Research questions

As there is no universal experience of retirement, it is important to acknowledge and understand the social reality of how individuals navigate the transition to retirement. The aim of this research is to identify how four commercial lawyers constructed and negotiated their identities in the transition to retirement.

The overarching research question was: How do commercial lawyers construct and negotiate their identity in the transition to retirement.

1. To what extent does their former identity as a lawyer contribute to the construction of their retirement identity?
2. To what extent do they make room for developing a non-lawyer identity in retirement?
3. What are the newly constructed parts of their retired identity which do not relate to being a lawyer or the associated professional legal identity?
4. How have they negotiated the transition process between their identity as a lawyer and their identity as a retired person?

7.5.1 To what extent does their former identity as a lawyer contribute to the construction of their retirement identity?

While none of the participants specifically concentrated on their lawyer identity in the transition to retirement or in retirement, they all, to varying degrees, had a focus on the status and skills they performed as part of their previous lawyer role, such as problem solving and analysis. These aspects were variously used in the construction of their transition to retirement or retirement identity.

Three of the participants were involved in volunteer work, which is generally not seen as productive work even though it contributes to the economy. Yet for the participants the volunteer work they engaged in, regardless of the level of that work, rather than seeing it as non-productive, they saw it was for the betterment of the communities in which they lived. Taking this view could have allowed the participants to continue to embody the altruistic aspects of their profession, thus hold on to the lawyer identity as well as the productive volunteer identity. However, in general, the participants did not consider that volunteering necessarily represented a continuation of these altruistic aspects, as their religious beliefs, personal values, or the involvement of family members were also motivating factors.

7.4.2 To what extent do they make room for developing a non-lawyer identity in retirement?

In making room for developing a non-lawyer identity, rather than 'who am I going to be in retirement?', the first question considered by the participants was 'what I am going to do now I am no longer going to practice law?' Prior to resigning from or leaving the partnership, each participant had considered what non-lawyer identities they would create - or not create - once they left their partnership, for example, business owner or volunteer. But the underlying question was 'what will I do to fill in my time?'

In each of their transitions to retirement/retirement, the participants' non-lawyer identity was an evolving work in progress and continues to be so. In some cases, the perceptions of acceptable non-lawyer identities came from others, for example, golfing lessons as a retirement gift. The process used by the participants to make room for developing a non-lawyer identity strongly aligned with the literature around developing non-work-related-roles.

7.5.3 What are the newly constructed parts of their retired identity which do not relate to being a lawyer or the associated professional legal identity?

In Chapter 2 there is a quote which indicates that whoever I am today is made up of whoever I have ever been. The attributes the participants demonstrated in their lawyer role, which in general took up two thirds of their lives, were also demonstrated in their non-lawyer roles. For example, the attribute of hard work was evident throughout their life course throughout their life course, i.e. right from their school days. Traditionally, as a member of the legal profession, a gentleman's word was binding; in their non-lawyer role, the participants' word was also likely to be binding as that was who they were, reflecting their upbringing, values and beliefs. If their retirement pursuits turned out to be those of well-educated lawyers, this is more likely due to being well-educated, rather than lawyers.

In this sense it could be argued that no new identities were formed instead pre-existing non-work identities were strengthened, such as being a parental caregiver to their grandchildren or delving more deeply into their hobby life.

7.5.4 How have they negotiated the transition process between their identity as a lawyer and their identity as a retired person?

Each participant negotiated the transition to retirement by first analysing the situation and what process they would use. Identifying how they would transition out of the partnership involved not only understanding how they would manage such things as client handover, maintaining a strong revenue stream, or reducing the number of days worked but also negotiating their identity (who they thought they were) and reputation (who others thought they were). While still in their partnership, each participant considered the gap that would be left by no longer being in a lawyer role, recognised they wanted or needed to fill that gap, and identified what the options were for what they wanted to do—and didn't want to do. One participant, heeding the advice of a friend, decided he wouldn't take on too much initially and be left with no spare time; another, also heeding the advice of a friend, wasn't worried about taking on too much initially as he could choose to drop things. The person who fully retired was very clear that he did not want to be in paid work, yet was busy, for example, managing his personal properties.

Overall, each participant drew on their strong and pre-established non-work identities to carve out roles for themselves that contributed to a non-retired retirement identity. This could be an indication of a balanced life, or a desire to be busy or a desire to feel like productive members of society or to be seen as productive members of society – or a mix of these reasons.

7.6 Limitations of the research

Several limitations of the study need to be noted. These include sample size and composition; in-depth qualitative interviews; and researcher bias.

A sample of four participants potentially limits the external validity of the knowledge created. Yet the small size was also one of the study's strengths in that it enabled in-depth conversations, over the course of three interviews (optional interview included) with each participant, where they told of their lived experience as a commercial lawyer constructing and negotiating their identity in the transition to retirement.

In terms of sample composition, firstly, the participants had been associated with either an urban or a rural firm. The limitation of this mix, rather than either urban or rural does not seek to identify any differences between urban or rural legal practice. Secondly, the participants were well-educated, financially secure males who identified as New Zealand European and had previously held well-paying high-status roles as commercial lawyers. A limitation of working with homogeneous groups is that the study findings potentially may not transfer to those who do not have a similar lifestyle. Of note is that it is equally important to understand the experience of marginalised groups as it is to understand the experiences of dominant groups such as this study's participant cohort. While the lived experience of these participants is just as valid as any other, there is limited research available relevant to their specific and particular lived experience as men and as workers with an occupation of high status.

Thirdly, a potential limitation pertains to the in-depth qualitative interviewing. This enabled flexibility in that questions could be asked to probe participants to share further information or clarify points, yet this meant that at times the interview strayed off topic. However, all information added to the richness of each participant's transition-to-retirement narrative.

A final limitation relates to me, as the researcher, recognising my personal biases. For example, I had anticipated from personal experience that the participants' identities may have been shaped by their status as a lawyer. I expected that the loss of that status would have an impact on how they constructed and negotiated their post-retirement identity along with the associated grief of no longer having that high-level of status ascribed to them. Given that I am in my mid-sixties, I also have to acknowledge my bias in relation to ageism and a reversal of the view I held in my twenties. Back then I thought someone in their mid-60s was close to

death, whereas now, like the participants of this study, I see someone in their 60s and 70s still has much to offer as a productive member of society.

7.7 Suggestions for future research

This research initially placed the participants as retiring (with the associated ageism linked to the term retiring) from a partnership, rather than resigning from a partnership. Three of the participants could be said to have resigned as they went on to other paid work, yet they [at times] and others saw themselves as retired. Given the traditional definition of retired being total withdrawal from the workplace, their involvement in paid work would indicate that they were not retired.

Future research could investigate the impact of how a person defines the concept of career and what link that definition has with whether a person is seen as retiring or resigning from a job. This would mean comparing the definition of a traditional linear structured career with that of a career as a series of jobs and the nature of those jobs (for, example, full-time, part-time, fixed term, casual, flexible, contract, self-employed), and including whether there is an unofficial age at which one must 'resign'. The definition of a non-structured career could be further expanded to include volunteer work, as well as seeing volunteer work as having equal value to paid work.

While the impact of retirement on masculinity was not a focus of this research, the intersectionality of aging, transitioning to retirement and masculinity, with an emphasis on the provider role for this cohort, could be explored in future research.

An important area for future research is addressing of issue of ageism and the association retirement has with chronological age. Ageism underpinned the unofficial age for retirement in the partnership of one of the participants. Until ageism—whether related to the perception of retirees as a burden on social services or associated with cognitive decline and physical decay—is addressed it will be the biggest barrier to changing understanding of the transition

to retirement. Regardless of race or biological sex we all age and, if we survive until we are old, in the current culture we will all likely face ageism.

One of the participants of this study explained his definition of retirement had changed; the closer he was to retirement, the more he saw himself as still having much to offer the legal workplace. He mentioned a chronological age framework in relation to aging that he had been given by an acquaintance. Apparently used by retirement financial planners, the framework comprises three stages: the ages of 65 to 75 are defined as 'go go'; 75 to 85 as 'go slow'; and 85+ as 'no go'. While recognising the health and activity of the current demographic, this framework could also be seen as simply changing the decline and decay associated with the chronological age of 65, which is linked to a previous compulsory retirement age and reflects a fitter and healthier demographic with a chronological age of 65 to 75. Future research could examine this three-part model and see whether the moving of the goal posts of chronological age and associated activity levels, is an ageist action in itself.

Another area of research relates to the level of probability of potential problems, such as, how to pay for the superannuation requirements of this healthier older population. In addition, research also needs to focus on the incongruence between chronological age and biological/functional age, as this is an important retirement issue for politicians and service providers. In particular, there is need to understand the difference in biological aging as opposed to chronological age, and there is a need to understand and support the different experiences of retirement or not of these healthier older adults. Currently policy appears to be based on a universal chronological 'truth' of when one is old, rather than determining 'old' in accordance with physiological or psychological ability (Manor & Holland, 2022; Zabel & Baltes, 2015) In essence, aging is a biological process causing physical and cognitive decline as a result of biological attributes (Hutchison, 2011; MacDonald et al., 2011)

Even with no compulsory retirement age, the 65 years chronological age link to superannuation entitlement continues to be an ageist link to retirement and its association with the decline and decay of aging and being a burden on society. Given it is 30+ years since the repeal of compulsory retirement (Human Rights Act 1993), future research could study

whether the link between ageism and entitlement to superannuation entitlement has been maintained with the passage of time.

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Appendices

Appendix A – Participant Information Sheet

How Do Commercial Lawyers
Construct and Negotiate their Identity in the Transition to Retirement?

Thank you for your interest in my research project. I have attached a copy of an information sheet that gives more details about the project. If you would like to take part, please complete the screening questionnaire below and return it to me:

Email: pjfinnienz@gmail.com

or

Mail:

P O Box 8121

New Plymouth

I will respond to everyone who completes a screening questionnaire.

Researcher: Pam Finnie

Email: pjfinnienz@gmail.com

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Information sheet.

How do commercial lawyers who are making, or who have made, the transition to retirement construct and negotiate their identity during the retirement process?

The Research

Q Who is the researcher?

A I am completing a thesis for a Master of Philosophy (Sociology). I am 63, married (to a commercial lawyer), with two children. I have a human resources business, and I live in New Plymouth.

Q Why are you doing this?

A Three reasons:

First, this research project is part of a thesis for my Master of Philosophy (Sociology). Second, several factors, including longer life expectancy, better health, and no compulsory retirement, mean working lives are being extended.

Third, I have a fascination with identity construction and change. In particular, how individuals construct and negotiate their main identities when going through change.

I am interested in how the above points impact on high-income commercial lawyers in retirement.

Project description.

Q What is the project about?

A The purpose of this research project is to identify how commercial lawyers construct and negotiate their identity in the transition to retirement or retirement.

Most research around retirement focuses on the financial implications of retiring. A Google search for “retirement financial” returned 656 000 000 results (31 March 2023) while a Google search for “retirement lawyers identity” returned 11 900 000 results (many of which still focussed on finances or succession planning).

Your involvement in this research will contribute to the creation of knowledge around what needs to be considered in relation to identity construction and negotiation for retiring/retired lawyers.

Participants.

Q Who are your target participants?

A The target participants will meet the following criteria:

- Identify as a New Zealand European male.
- Retired commercial lawyer (retired between the beginning of January 2020 and the end of December 2022).
- Pre-retirement was working full-time in the same New Zealand private legal practice for 20+ continuous years.
- In the three years, pre-retirement had an annual income from that practice of \$250 000+.

Q Does it matter if after retiring from full-time work in private practice I now have a lower level part-time, full-time or consultant job in the same (or different) private practice working for an hourly rate?

A No.

Q How many participants will be taking part?

A As part of my study I need to interview between 8 and 10 participants who meet the above criteria.

Q How will I find out if I have been selected?

A You will be contacted and sent a consent form to complete.

Q What happens if I don't get selected?

A You will be contacted and told you do not meet the selection criteria and have not been selected.

Q What happens if I do the interviews and then want to withdraw?

A You can withdraw anytime up to two weeks after your second interview. After that, your information will have contributed to the analysis of the results.

How Long Will It Take?

Q How long will it take to be interviewed?

A It is likely the **total** time taken for the two interviews and filling in the necessary forms will be between 2.5 hours to 4.5 hours.

- Pre-screening questionnaire – 10 minutes

- Consent form – 5 minutes
- Face-to-face interview One - 1 hour to 2.0 hours
- Face to face interview Two - 1 hour to 2.0 hours
- Additional contact (if necessary) to clarify points made in the interview – 30 minutes.

Research Project Procedures

Q What is the process for the research?

A I have broken the project into eight broad steps:

1. Prospective participants will respond to requests asking for participants to participate in this research project.
2. Each person who responds will be sent an information sheet and a screening questionnaire to make sure he meets the research criteria.
3. Eight to ten men will then be selected to take part in the project.
4. Each of the selected men will be sent a consent form to complete and return.
5. The men not selected to take part will be contacted.
6. In August/September 2023 all participants will have their first face-to-face interview with the researcher. This interview will be audio recorded. Within six weeks of the first interview, all participants will have a second face-to-face (or online) interview with the researcher. This interview will be audio recorded.
7. The recordings will then be analysed and any common themes among participants will be identified.
8. The themes will be compared to current literature relating to identity construction in transition to retirement/retirement.
9. The results will be analysed in the thesis written.

Q What if I meet the criteria and want to take part but cannot make it to a face-to-face interview?

A We will work around it. For example, a ZOOM, TEAMS, or telephone interview.

Confidentiality

Q Will people be able to identify my responses?

A No, any information in the thesis will be either generalised or anonymous.

Q Will I get to see the results?

A All participants who request one will be sent a summary of the research results.

Q **What happens to the audio recordings?**

A They are stored securely until the thesis has been published and they are then destroyed.

Q **Can I have a copy of my audio recording?**

A Yes, you own the data you provide and if you request it, you can have an audio copy of your face-to-face interviews and/or transcript of your face-to-face interviews.

Q **Aside from your thesis for what else will the results be used?**

A The results of this research be relevant to people working in the transition to retirement/retirement field (non-financial). I also intend to speak at conferences about the findings and use the findings as a basis for workshops and one-on-one coaching.

If you take part in the study, you have the right to:

- Refuse to answer any question.
- Ask any further questions about the study that occur to you during your participation.

If you have any questions about this research, you can contact me as the researcher, my supervisor, or the ALPSS Ethics Committee.

Contact Details

Researcher: Pam Finnie

Supervisor: Dr Gemma Piercy-Cameron

Email: pjfinnienz@gmail.com

Email: gemma.piercy- Cameron@waikato.ac.nz

Mobile: 027 244 4303

Telephone: +64 7 838 4466 3584

ALPSS Ethics Committee (ALPSS – Arts, Law, Psychology, and Social Sciences)

Email: alpss-ethics@waikato.ac.nz

Appendix B – Participant Screening Questionnaire

Screening Questionnaire

How do retired lawyers construct and negotiate their identity in retirement?

Question.	Circle answer
<p>Are you a retired (or making the transition to retirement, for example, reduced hours, working as a consultant) commercial lawyer?</p> <p>If not, what type of law did you practice?</p>	Yes or No
<p>When did you start the transition to retirement (for example, reduced hours, working as a consultant) or retire between January 2020 and the end of December 2022?</p> <p>If not, when did you start the transition to retirement or retire?</p> <p>Month and year: _____.</p>	Yes or No
<p>Pre-retirement were you in the same New Zealand private legal practice for 20+ continuous years? Note: during that time your firm might have merged or changed in some way, for example, a partnership split.</p>	Yes or No

<p>Have you been in private practice for 20+ continuous years but not for 20 continuous years with one law firm (maximum of two law firms to make up 20 continuous years)?</p> <p>Please give the length of time with each law firm.</p> <p>Law Firm One - X Years Law Firm Two - X years</p>	<p>Yes or No</p>
<p>Were you working full-time for that practice up until your transition to retirement/retirement?</p>	<p>Yes or No</p>
<p>In the three years, pre-retirement, or transition to retirement, was your income from that practice \$250 000+ per annum?</p>	<p>Yes or No</p>
<p>Do you identify as a NZ European male?</p>	<p>Yes or No</p>
<p>I do not have a pre-existing relationship with the researcher.</p>	<p>Yes or No</p>

Appendix C – Participant Consent Form

Waikato Management School

Te Raupapa



Consent Form for Participants

I have read the **Information Sheet for Participants** for this study and have had the details of the study explained to me. My questions about the study have been answered to my satisfaction, and I understand that I may ask further questions at any time.

I also understand that I am free to withdraw from the study up to two weeks after Interview Two, or to decline to answer any particular questions in the study. I agree to provide information to the researchers under the conditions of confidentiality set out on the **Information Sheet**.

- I agree for this interview to be audio recorded
- I request a copy of the audio recording and/or transcript emailed to me
- I agree to participate in this study under the conditions set out in the **Information Sheet** form.
- I would like a copy of the research findings emailed/mailed to me

Signed: _____

Name: _____

Date: _____

Researcher: Pam Finnie
Email: pjfinnienz@gmail.com
Mobile: 027 244 4303

Supervisor: Dr Gemma Piercy-Cameron
Email: gemma.piercy- Cameron@waikato.ac.nz
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Appendix D – Interview Question Guide

Interview One

Today we are going to talk about your career up to the point of your retirement. The definition I use for ‘career’ is the series of jobs you have had. In our next session, we will talk about your perception of your retirement.

Background information

To get to know you a little bit better, I would like to ask you about your work history and draw your career timeline as we talk.

1. How did you come to choose the legal profession as a career?
2. What was your first paying job and how did you get it?
3. What role did you move to next?

Career Timeline and Experience of Transition

4. What triggered your move to the next role/job?
5. How easy was it to make the move from one/job role to the next?
6. Looking at the different roles you have had which move from one job to the next was the easiest – why?
7. Which move from one job to the next was the most challenging – why?

Identity

8. Pre-retirement - how important was working as a lawyer to you?
9. You had an identity as a lawyer what other identities did you have?
10. Tell me about your image as a lawyer, what did you wear on a day-to-day basis? What did your clients expect you to wear?

Outside Interests

11. Over the course of your career did you participate in any activities outside of work, such as hobbies, sports, clubs, volunteer work, or taking care of others?
12. How important were those activities to you?

Retirement

13. Going back to the roles at x and y think about the partner/or equivalent you most admired - name five things about their identity (what they thought about themselves)

that were clearly important to them. For example, values, attributes or drivers such as professionalism, money, status, winning, intellect, recognition, and hard work.

14. Now I'd like you to think about a legal partner or equivalent you knew relatively well, who has retired (after 20+ years working for the same legal practice) – maybe he was part of your legal practice maybe not.

What I would like you to do is select three photos that remind you of that lawyer's reputation in the two or so years prior to their retirement.

Tell me what it is about photograph one, two and three that reminds you of the person's reputation in the lead-up to their retirement.

Your Retirement

On xx-xx-xxxx you retired.

15. When did you first think about retirement in relation to yourself and what triggered that thought?

16. Why did you retire when you did? Why not sooner or later?

17. How was it announced that you were going to retire?

18. Did people treat you any differently once they knew you were going to retire? How did you feel about that?

What was easier than you thought it would be in the lead-up to your retirement?

19. Once you knew you were retiring what was more difficult than you thought it would be in the lead up to your retirement?

20. Knowing what you know now – from any time in your legal career up to the end of your last day is there anything you would do differently about your retirement?

21. What advice would you give other legal practitioners at a similar level to yourself pre-retirement?

Your Values Drivers and Attributes as a lawyer

22. As the final exercise today, I'd like you to complete this form which gets you to rate a number of values, drivers and attributes (from extremely important to extremely unimportant which were important to you when you were practicing as a lawyer.

Next Steps

Today we have covered your career (the series of jobs you have had) up to the point of retirement from xyz legal practice. In our next interview we will cover your experience of retirement – from your retirement from xyz until now?

What questions do you have about anything we have discussed today or our next session?

Attachment Six

Interview Two – Retirement

In this session we are going to cover your experience of retirement. There is very little research available on how retired lawyers construct and negotiate their identity in retirement. The information you are sharing through taking part in this research will be used to enhance the retirement experience of others.

1. Before we begin is there anything you would like to comment on or ask about our last session?

Transition into Retirement

2. How do you define retirement?
3. Before you retired what did you think your retirement would be like?
 - I. Best case?
 - II. Worst case?
 - III. Most likely case?
4. From this selection of photos I want you to select two cards that sum up your first year of transitioning into retirement and two cards that sum up the last six months of your retirement.

- I. Tell me why you selected photo 1, and photo 2 for the first year.
 - II. Tell me why you selected photo 3, and photo 4 for the second year.
5. Tell me about something which as a result of your retirement has:
 - i. been totally unexpected?
 - ii. been far better than expected.
 - iii. not been as good as expected
 6. As a result of retiring tell me what you have gained.
 7. As a result of retiring tell me what you lost or what was missing from your life once you retired.
 8. Tell me about your image as a lawyer, what did you wear on a day-to-day basis? Tell me about your image now you have retired, what do you wear on a day-to-day basis?
 9. Tell me what a typical day looks like for you now you are retired from waking up until the end of your day.
 10. I'd like to review three days in the last week starting with 'X-day' Take me through what you did during the day.

Changing Expectations of Retirement

11. Initially, retirement was a binary working/not working. Yet now, as people are living longer and in better health, there are multiple options for what people might do in retirement.
12. What options such as consulting, contract, full-time employee part-time employee or casual employee, fixed-term employee, volunteer, self-employed portfolios, did you think would be available for someone such as yourself?

Retirement and Identity Construction

13. Now you are retired what identities do you have? What would be your three top identities?

14. As the final exercise today, I'd like you to complete this form which gets you to rate a number of values, drivers and attributes (from extremely important to extremely unimportant which are important to you as someone who is retired).

15. If your identity is how you want to be perceived and your reputation is how others perceive you what do you think your reputation is now you have retired?

Appendix E - Request for participants to write a brief description of themselves

NOTE: *Transition to Retirement starts when you have resigned from the partnership – but you do not consider yourself to be fully retired.*

One of the things I need to include in my thesis is a brief description of my participants.

In 150 - 200 words could you please describe yourself – below are a few prompts, pick the ones that work for you (or ignore them completely).

- How old were you when you left the partnership and many years ago was that?
- What were the main catalysts for you to start on the transition to retirement/retiring?
- What was the hardest thing for you about making the transition to retirement/retiring?
- What were the top three gains and top three losses for you in the transition to retirement/retiring?
- How would people (can be anyone) who knew you as a lawyer and now you are in the transition to retirement/retired, describe you now?
- Do you consider yourself to be retired – why or why not?
- What difference – if any – is there in the way people treat you now you are in the transition to retirement/retired compared to when you were a partner in a law firm?

Appendix F – WUALPSS Ethics Approval

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THE UNIVERSITY OF
WAIKATO
Te Whare Wānanga o Waikato

Pam Finnie

Dr Gemma Piercy-Cameron

Te Kura Aronui
School of Social Sciences

24 May 2023

Dear Pam

Re: FS2023-13: How do retired lawyers construct and negotiate their identity in retirement

Thank you for submitting your revised application to the ALPSS Human Research Ethics Committee. We have reviewed the final electronic version of your application and the Committee is now pleased to offer formal approval for your research activities as included therein.

We encourage you to contact the committee should issues arise during your data collection, or should you wish to add further research activities or make changes to your project as it unfolds. We wish you all the best with your research. Thank-you for engaging with the process of Ethical Review.

Kind regards

A handwritten signature in black ink, appearing to be 'Oleg Medvedev'.

Dr Oleg Medvedev, Convenor
Division of Arts, Law, Psychology & Social Sciences Human Research Ethics

Appendix G - Pre-retirement identity structure based on types of work role and non-work role identities

Table 2

Bordia et al (2020) Pre-retirement identity structure based on types of work role identities (strong vs weak) and nonwork role identities (developed vs underdeveloped)

	Role Identity	Description
<u>Strong WRI and Developed NWRI</u>	Rich	<p>This person's WRI is their integrated core identity and used to make sense of their world.</p> <p>They have had a consistent WRI throughout their career, for example, commercial lawyer. Their WRI has had recognisable job titles or skilled functions that couldn't be performed by someone who didn't have the correct training or experience.</p> <p>They have multiple formal and informal NWRI developed prior to retirement – potentially the person was aware of the usefulness of doing so.</p> <p>They are likely to find ways to use their WRI in retirement, for example, a commercial lawyer working at the Citizens Advice Bureau at times using their experience understanding contracts.</p>
<u>Strong WRI and Underdeveloped NWRI</u>	Unsustainable	<p>Their WRI is this person's strongest identity and their NWRI is underdeveloped.</p> <p>In retirement there is likely to be a focus on maintaining their WRI through non-work activities, for example, a commercial lawyer working at the Citizens Advice Bureau using their experience understanding contracts. In addition, they may maintain a professional network, for example, within the legal fraternity.</p> <p>Given the strength of their WRI - the transition to retirement process is likely to highlight a sense of being in a place that was in a 'no-where between two somewheres'.</p>
<u>Weak WRI and Developed NWRI</u>	Sustainable	<p>This person does not have a strong identify with their WRI nor get meaning from it.</p> <p>However, they have multiple formal and informal NWRI developed prior to retirement – potentially they are aware of the usefulness of doing so.</p> <p>The transition into retirement is a continuation of their NWRI.</p>

Weak WRI and Underdeveloped NWRI	Poor	<p>This person does not have a strong identity with their WRI nor get meaning from it.</p> <p>In addition, they do not identify with their NWRI. They may have had multiple work roles and transitions over their career - in different organisations or different roles within an organisation.</p> <p>If they keep a connection with their pre-retirement role, it is simply because they are lacking a role or purpose to engage with.</p>
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Note: Adapted from Bordia et al (2020) Pre-retirement identity structure based on types of work role identities (strong vs weak)) and nonwork role identities (developed vs underdeveloped) (Author, 2025).