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UNIVERSITY OF SOUTHAMPTON

FACULTY OF SOCIAL, HUMAN AND MATHEMATICAL SCIENCES

Geography and Environment

Economy, Governance and Culture

GENDERED PRACTICE

IN THE PROVINCIAL LAW FIRM:

PAY, PROGRESSION, AND PARENTHOOD

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ABSTRACT.

Over the last thirty years there has been a dramatic diversification of the legal services sector; a significant number of women have joined the workforce. Feminist theorists and legal scholars have sought to understand the ‘feminisation’ of the profession and the paradoxical processes of gender stratification and gender segmentation. Despite the volume of scholarship in this field, there is a lack of empirical data on gender, the body and professional service firms (PSFs). This thesis addresses this gap, offering insight into the ‘provincial PSF’ and introducing the non-elite legal services worker into existing debates within feminist geography regarding gender and the body at work. This qualitative study is the first of its kind, comprising forty in-depth interviews with male and female legal professionals employed in the local labour markets (LLMs) of Bristol and Guildford. Data analysis uncovers striking gendered differences in aspirations and attitudes regarding pay, place, career progression and parenthood. Using a range of methodological tools, an interdisciplinary approach aims to flesh out a new feminist ‘politics of the body’ which can be used by feminist geographers to examine interactive services work.

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DECLARATION OF AUTHORSHIP.

I, Jennifer Eileen White, declare that this thesis and the work presented in it are my own. This thesis, entitled ‘Gendered Practice in the Provincial Law Firm: Pay, Progression and Parenthood’, is the result of my own original research and authorship.

I confirm that:

- 1. This work was done wholly while in candidature for a research degree at this University;
- 2. Where any part of this thesis has previously been submitted for a degree or any other qualification at this University or any other institution, this has been clearly stated;
- 3. Where I have consulted the published work of others, this is always clearly attributed;
- 4. Where I have quoted from the work of others, the source is always given. With the exception of such quotations, this thesis is entirely my own work;
- 5. I have acknowledged all main sources of help;
- 6. Where the thesis is based on work done by myself jointly with others, I have made clear exactly what was done by others and what I have contributed myself;
- 7. None of this work has been published before submission.

Signed:

Date:

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1

LAWYERS OUTSIDE OF LONDON.

1.1 Issues of Feminisation and Prioritisation.

Over recent years, there has been a dramatic diversification of the legal services sector; notably a huge influx of women into the workforce. The Law Society Annual Statistical Report (ASR) shows that the overall number of solicitors has grown by 35% in the last decade, and that 70% of this growth is attributable to women.¹ The profession, which was originally reserved for and preserved by men, is now teaming with women: of the 130,382 solicitors in England and Wales who hold Practising Certificates (PCs), 62,844 are women.² At the current rate of growth, the profession will enjoy an equal gender split by 2017.³ However, the so-called ‘feminisation’ of the legal sector is far from a feminist fairy-tale of shattered glass ceilings.⁴ The profession is still stratified and segmented along gendered lines; whilst women continue to crowd the ‘lower rungs’ of the career ladder, men are much more likely to be promoted and reach partnership.⁵ In the UK, there is a substantial 24.1% difference between the proportion of men and women represented at partnership level.⁶ In numerical terms, this equates to 21,046 (43.3%) male partners, in comparison to just 7,985 (19.2%) female partners.⁷ Indeed ‘[d]espite the feminisation process of the legal professions, evident

¹The Law Society, ‘Trends in the Solicitors Profession’, Annual Statistical Report (ASR), April 2015, p.10. With special thanks to the Law Society for releasing the full version of their statistical report

² Ibid, p. 3. Figures based on July 2014 statistics. Note that there are currently 160,394 solicitors on the ‘Roll’, however not all of them hold a Practising Certificate (PC) and thus are able to practice the law.

³ Ibid., p. 10, based on the rate of growth from the past 5 years.

⁴ The ‘feminisation’ of the semi-professional sector has been well documented. See for general reference Steven Bolton and Daniel Muzio, ‘The Paradoxical Processes of Feminisation in the Professions: The Case of Established, Aspiring and Semi-professions’, *Work, Employment and Society*, 2008, Vol. 22, Iss. 2, pp. 281-299. For discussion specific to the legal profession, see C. Menkel-Meadow, ‘Feminisation of the Legal Profession: The Comparative Sociology of Women Lawyers: Theories of Gender and Social Change’ in R. Abel, P. S. C. Lewis (eds.), *Lawyers in Society: Comparative Theories*, (Berkeley: University of California Press, 1989).

⁵ The Law Society, ‘Diversity Profile of the Profession’, May 2014, p. 1. Note that the main source used for this report was the Annual Statistical Report of 2013 and that the Law Society’s Research Unit based on the data extracted on 31 July 2013 from the Law Society’s REGIS database, which contains records of all solicitors at all stages in their career. Data was also taken from the Annual PC Holder Survey of 2013. This is a survey of a 1,506 randomly selected individuals from private practice, as well as commerce, industry and government, conducted in 2013.

⁶ Ibid., p. 29.

⁷ Ibid., p. 29.

over the last two decades, the idea that women will eventually ‘trickle up’ through the legal hierarchy by dint of sheer volume of numbers has been exposed as a fallacy’.⁸ The falsity of this ‘trickle-up’ theory is shown in women’s poor representation at the highest echelons of the legal profession – notably the partnership ‘pool’.

Correspondingly, there is substantial gender pay gap within the profession. Recent statistics suggest salaried solicitors are amongst some of the worst affected professionals in the UK: Office for National Statistics (ONS) reports indicate that the gender pay differential across all professions has shrunk to an all-time low (now at an average of 9.7% which is the narrowest since comparative records began in 1997), yet Law Society data puts the gender pay gap amongst Practising Certificate (PC) holders at a staggering 26.7%.⁹ Such a wide pay gap arguably alludes to the endemic and entrenched nature of gender inequality within the legal services sector, which appears to be getting wider with time.¹⁰ Yet this is by no means a simple case of stratification and segmentation, or of women inhabiting less prestigious and less well-paid pockets of the profession whilst men are enjoying seemingly boundless career progression and getting paid accordingly.¹¹ In fact, men are being paid *more* for doing *the same* jobs as women. Take for example the differential between male and female salaries in private practice: the median salary of a male associate solicitor is approximately £50,000 and his female counterpart is £38,000.¹² Another level of complexity is added when we consider the fact that a potentially large proportion of a legal professionals’ salary packet is made up from ‘billable-hours’ bonuses. ‘Billable hours’ are the allotted amounts of hours which solicitors bill their clients – thus the higher the ‘billables’, the more profit that the employee generates for the law firm. Many firms have targeted hours, tied to percentage-based bonus schemes which can equate to 30% - 40% extra, on top of the employees basic salary. Thus the ‘take home’ pay is invariably linked to the amount of

⁸ Ivana Bacik and Eileen Drew, ‘Struggling with Juggling: Gender and Work/Life Balance in the Legal Professions’, *Women’s Studies International Forum*, Volume 29, Issue 2, March–April 2006, Pages 136–146, p. 145.

⁹ The Law Society, ‘Private Practice Earnings Report’, 2014, p. 5. The Law Society’s annual Earnings Factsheet is based on a survey of 1506 randomly selected individual practising certificate holders working in private practice, government and ‘In-House’.

¹⁰ *Ibid.*, p.12. This is a figure which continues to rise, though please note this is statistically a ‘small increase on 2012’s pay gap, which showed a figure of 26.7 per cent.’

¹¹ Longitudinal studies at Warwick University’s policy-related research project funded by the Higher Education Careers Service Unit (HECSU) indicates a stark salary differential between men and women at the very onset of their legal careers. See also the working paper: Peter Elias and Kate Purcell, ‘The Earnings of Graduates: Reviewing the Evidence from Futuretrack’, (HECSU: FutureTrack, February 2013).

¹² The Law Society, ‘Private Practice Earnings Report’, p. 9.

overtime and hours an individual ‘bills’. When employees’ labour is organised and rewarded in this way, some interesting questions regarding parenthood, part-time hours and career progression arise, especially when we note that some sources suggest men earn double the billable-hours bonuses of women.¹³

Scholars across a broad range of disciplines have researched professional service firms (PSFs) across the world, focusing on various issues including career mobility, employee homology, professional networking, reputation, relational capital, and the client-focused ‘service ethic’.²¹ Falling largely under the umbrella of management studies, a small but significant body of literature has been concerned with the role of women, alongside issues of diversity and inclusion in PSFs, notably in accountancy firms.²² Yet in all these studies there is little mention of gender pay gaps. There is also scarce analysis of the ways in which gender and power operate within these knowledge-intensive firms. In an overlapping yet seemingly separate body of scholarship which specifically concerns law firms, there is a distinctly more feminist and theoretical streak; with research examining gender, power, the body, and professional identity formation, alongside problems pertaining to partnership in Canadian, US and Australian firms.²³ Of the UK-based literature, there are similar

¹³ According to legal recruitment specialist Laurence Simon, who conduct their own independent market research, the average female solicitor is paid an average of £51,396 less per year than the average male lawyer. See the independent 2013 market report for further reference.

²¹ Stanley B. Malos and Michael A. Campion, ‘An Options-Based Model of Career Mobility in Professional Service firms’, *Academy of Management Review*, Vol. 20, Issue. 3, 1995, pp. 611-644; James Faulconbridge, J.V Beaverstock, B. Derudder, and F. Witlox, ‘Corporate Ecologies of Business Travel in Professional Service Firms Working Towards a Research Agenda’, *European Urban and Regional Studies*, Vol. 16, Iss. 3, 2009, pp. 295-308; Gill Silversides, ‘Networking and Identity: The Role of Networking in the Public Image of Professional Service Firms’, *Journal of Small Business and Enterprise Development*, Vol. 8, Iss.2, 2001, pp. 174-184; Gerard Hanlon, ‘Institutional Forms and Organizational Structures: Homology, Trust and Reputational Capital in Professional Service Firms’, *Organization*, Vol. 11, Iss. 2, 2004, pp. 186-210; Fiona Anderson-Gough, Christopher Grey and Keith Robson, ‘In the Name of the Client: The Service Ethic in Two Professional Services Firms’, *Human Relations*, Vol. 53, Iss. 9, 2000, pp. 1151-1174; Lauren Rivera, ‘Hiring as Cultural Matching the Case of Elite Professional Service Firms’, *American Sociological Review*, Vol. 77, Iss. 6, 2012, pp. 999-1022; Royston Greenwood, et al. ‘Reputation, Diversification, and Organizational Explanations of Performance in Professional Service Firms’, *Organization Science*, Vol. 16, Iss. 6, 2005, pp. 661-673.

²² See for example Martin Kornberger, Chris Carter, and Anne Ross-Smith, ‘Changing Gender Domination in a Big Four Accounting firm: Flexibility, Performance and Client Service in Practice’, *Accounting, Organizations and Society*, Vol. 35, Iss. 8, 2010, pp. 775-791; Susan Marlow and Sara Carter, ‘Accounting for Change: Professional Status, Gender Disadvantage and Self-Employment’, *Women in Management Review*, Vol. 19, Iss. 1, 2004, pp. 5-17; Fiona Anderson-Gough, Christopher Grey, and Keith Robson. “‘Helping them to Forget’”: The Organizational Embedding of Gender Relations in Public Audit Firms’, *Accounting, Organizations and Society*, Vol. 30, Iss. 5, 2005, pp. 469-490; Li Yueh, Chen, and F. Barry Barnes. ‘Leadership Behaviours and Knowledge Sharing in Professional Service Firms Engaged in Strategic Alliances’, *Journal of Applied Management and Entrepreneurship*, Vol. 11, Iss. 2, 2006, pp. 51-62; Royston Greenwood, Roy Suddaby and Megan McDougald, ‘Professional Service Firms’, *Research in the Sociology of Organizations*, Vol. 24, Iss. 6, 2006, pp. 283-306.

²³ See Katherine Haynes, ‘Body Beautiful? Gender, Identity and the Body in Professional Services Firms’, *Gender, Work and Organization*, Vol. 19, No. 5, 2012, pp. 489-507. Haynes offers a particularly interesting analysis of gender and the body, drawing on data from both UK and US legal and accountancy firms. See also J. Hagan, and F. Kay, *Gender in Practice: A Study of Lawyers’ Lives*, (Oxford: Oxford University Press, 1995). This book gives a comprehensive discussion of the legal profession in US and Canada in the late eighties and early nineties. See also A.

key themes: identity, professionalism and the practicalities of balancing parenthood with a professional career.²⁴ Scholars looking at PSFs have argued that women who attempt to climb the occupational hierarchy may find their progress hindered by ‘the need to fit a prevailing masculine model of performance or success’, ‘the combination of professional and family commitments’ and ‘stereotypical assumptions about parenting’.²⁵ On a more structural level, scholars have also proposed that the ‘marked segmentation between largely feminine, community orientated and relatively underpaid specialisms to one side and male-dominated, corporate oriented and remunerative practice areas on the other’ offers an explanation for gendered difference in pay and progression at work.²⁶ Such studies have paved the way understanding the various ways in which gender inequality manifests itself within different PSFs.

Within the field of economics and economic geography, a separate set of scholarship deals with private practice law firms – though not dealing directly with issues of gender.²⁷ This research looks solely into capital cities across the world: notably London, yet also offering ‘across the pond’ analyses of New York and Chicago.²⁸ As Cook et al. note, ‘[t]he City of London, its influence on the UKs economy, and the

Pinnington and J. Sandberg, ‘Lawyers’ Professional Careers: Increasing Women’s Inclusion in the Partnership of Law firms’, *Gender, Work and Organisation*, vol. 20, no. 6, 2013, pp. 616, 631; Elizabeth H. Gorman, ‘Gender Stereotypes, Same-Gender Preferences, and Organizational Variation in the Hiring of Women: Evidence from Law firms’, *American Sociological Review*, Vol. 70, Iss. 4, 2005, pp. 702-728.

²⁴ Louise Ashley, ‘Making a difference? The Use (and Abuse) of Diversity Management at the UK’s Elite Law Firms’, *Work, Employment & Society*, Vol. 24, Iss. 4, 2010 pp. 711-727; Irene, Bacik, and Eileen Drew, ‘Struggling with Juggling: Gender and Work/Life Balance in the Legal Professions’, *Women’s Studies International Forum*, Vol. 29, 2006, pp. 136-146; Hilary Sommerlad, and Peter Sanderson, *Gender, Choice and Commitment: Women Solicitors in England and Wales and the Struggle for Equal Status* (Dartmouth: Dartmouth Publishing Company, 1998)

²⁵ Haynes, p. 27. For some examples see Karin Jonnergård, ‘The Witchcraft of Professionalism’, in: *Organizational Olympians: Heroes, Heroines and Villains of Organizational Myths*, (London: Palgrave, 2008), pp. 184-194); Savita Kumra and Susan Vinnicombe, ‘Impressing for Success: A Gendered Analysis of a Key Social Capital Accumulation Strategy’ in *Gender, Work and Organization*, Vol. 17, Iss. 5, 2010. pp. 521–546; Deirdre Anderson, Susan Vinnicombe and Val Singh, ‘Women Partners Leaving the Firm: Choice, What Choice?’, *Gender in Management: An International Journal*, Vol. 25 Iss: 3, 2010, pp.170 – 183; Jennifer Pierce, *Gender Trials: Emotional Lives in Contemporary Law Firms* (California: University of California Press, 1996).

²⁶ *Ibid.*, p. 27. See S. Bolton and Muzio, ‘Can’t Live With ‘Em, Can’t Live Without ‘Em: Gendered Segmentation in the Legal Profession’, *Sociology*, 2007, vol. 41, pp. 401-407.

²⁷ David J. Teece, ‘Towards an Economic Theory of the Multiproduct Firm’, *Journal of Economic Behavior & Organization*, Vol. 3, Iss. 1, 1982, pp. 39-63; David Cooper, B. Hinings, Bob Hinings, Royston Greenwood, and John L. Brown, ‘Sedimentation and Transformation in Organizational Change: The Case of Canadian Law Firms’, *Organization Studies*, Vol. 17, Iss. 4, pp. 623-647. Allen Franklin, Jun Qian, and Meijun Qian, ‘Law, Finance, and Economic Growth in China’, *Journal of Financial Economics*, Vol. 77, Iss.1, 2005, pp. 57-116; R.J Gilson and R.H., Mnookin, ‘Sharing among the Human Capitalists: An Economic Inquiry into the Corporate Law Firm and How Partners Split Profits’, *Stanford Law Review*, 1985, pp. 313-392.

²⁸ J. R. Faulconbridge, ‘London and New York’s Advertising and Law Clusters and their Networks of Learning: relational Analyses with a Politics of Scale’, *Urban Studies*, 2007, vol. 44, pp. 1635-1656; J.R. Faulconbridge, ‘Negotiating Cultures of Work in Transnational Law Firms’, *Journal of Economic Geography*, 2008, Vol. 8, pp. 497-517; J. Heinz, R. Nelson and E. Laumann, ‘The Changing Character of Lawyers’ Work: Chicago in 1975 and 1995’, *Law and Society Review*, 1998, Vol. 32, pp. 751-776.

financial elites reproducing its ‘sexy greedy’ culture continue[s] to generate academic intrigue but also concern’.²⁹ Such studies ‘seek to provide fine-grained detail of the way the economic practices of elites are produced and reproduced in an ongoing and uniquely *London fashion*’.³⁰ Indeed this large corpus of literature is concerned specifically with the ‘elite’ culture of City law firms – a culture which is ‘defined in terms of its increasing entrepreneurialism, commercialism, and innovation’.³¹ In an empirically gender-focused fashion, some scholars within this school of thought have argued for the distinctively aggressive and masculine nature of elite City law firms.³² Such scholarship has made gains in understanding how elitism and social exclusion in the profession are tied to gender inequality, often drawing on Bourdieusian concepts of social capital to explain the processes of professional progress and social mobility amongst the sexes.³³

However, across these various fields of scholarship there is a specific focus on the elite PSF, notably the top London law firms that are commonly referred to as ‘Magic Circle’ firms: Allen & Overy, Clifford Chance, Freshfields, Linklaters, and Slaughter and May. These studies also make passing reference to the less prestigious ‘Silver Circle’ firms such as Ashurst, King & Wood Mallesons, McFarlane’s and Travers. ³⁴ Such City-centric empirical research seems short-sighted when we consider the fact that the majority of

²⁹ Andrew C. G. Cook, James. R. Faulconbridge and Daniel Muzio, ‘London’s Legal Elite: Recruitment through Cultural Diversity and the Reproduction of Cultural Exclusivity in City Professional Service fields’, *Environment and Planning A*, 2012, Vol. 44, pp. 1744-1762, p. 1762, referencing A. Leyshon and N. Thrift, *Money-Space: Geographies of Monetary Transformation*, (London: Routledge, 1997) with regards to ‘sexy greedy’, and for the latter referencing G. L. Clark and D. Wojick, ‘Path Dependence and Financial Markets: The Economic Geography of the German Model’, *Environment and Planning A*, vol. 37, 2005, pp. 1769-1791; S. French, A. Leyshon, N. Thrift, ‘A Very Geographical Crisis: The Making and Breaking of Sub-Prime Crises’, *Cambridge Journal of Regions, Economy and Society*, 2009, vol. 2, pp. 287-302; S. Hall, ‘Financialised Elites and the Changing Nature of Finance Capitalism: Investment Bankers in London’s District’, *Growth and Change*, 2009, Vol. 33, pp. 173-189; S. Hall and L. Appleyard, ‘City of London, City of Learning? Placing Business Education within Geographies of Finance’, *Journal of Economic Geography*, 2009, Vol. 9, pp. 597- 617; L. McDowell, ‘Capital Culture Revisited: Sex, Testosterone and the City’, *International Journal of Urban and Regional Research*, 2010, Vol. 34, pp. 652-658.

³⁰ Cook et al., p. 1744, my italics.

³¹ Ibid, p. 1746 referring to studies such as J. V. Beaverstock, ‘Managing Across Borders: Knowledge Management and Expatriation in Professional Service Legal Firms’, *Journal of Economic Geography*, 2004, Vol. 4, pp. 157-179.

³² Bolton and Muzio, 2007; Pete Sanderson, and Hilary Sommerlad, ‘Professionalism, Discrimination, Difference and Choice in Women's Experience of Law jobs’ in *Discriminating Lawyers*, (London: Cavendish, 2000), pp. 155-182.

³³ See Pierre Bourdieu, *Distinction: a Social Critique of the Judgement of Taste*, (London: Routledge, 1984), (first published in French in 1979), see also Bourdieu ‘The Genesis of the Concepts of Habitus and of the Field’, *Sociocriticism*, 1985, Vol. 2, pp. 11-24, and Bourdieu ‘The Forms of Capital’, in *Handbook of Theory and Research for the Sociology of Education*, ed. J. Richardson (New York: Greenwood Press, 1986), pp. 241-258, and Michel Bourdieu *The State Nobility: Elite Schools in the Field of Power*, (Cambridge: Polity Press, 1998) (first published in 1989).

³⁴ Arguably what sets these Magic Circle firms aside is both their sizable international operations, (resulting in multi-billion pound transactions), and the fact that they are geographically based in London. Magic Circle firms have a high trainee intake (of approximately 100 people per year), alongside a reputation for prestige and quality legal services. The ‘Silver Circle’ firms are less lucrative in terms of profits and turnover; however, they are still extremely reputable and powerful in the legal services sector.

solicitors in the UK do in fact work outside of the City. As the Law Society ASR states, of the 130, 328 solicitors employed in the UK today only 25, 781 are based in the City of London, (and 26, 252 in the rest of London): accruing to just two fifths of the legal services sector workforce.³⁶ This prioritisation of Magic and Silver Circle law firm culture presents a central paradox in the existing scholarship; the working lives of ‘provincial’ legal professionals are left un-researched and un-theorised.³⁷

This thesis thus aims to introduce the body of the provincial legal professional into the existing corpus of literature on gender and PSFs by conducting empirical research which captures a snapshot of salaried solicitors’ working lives within two non-capital cities. The research is based on the premise that the lives of legal professionals located outside of London merit the same close consideration as their elite Magic and Silver Circle counterparts, not solely because they form the majority of labour market employees, but because their narratives, experiences, attitudes and values could provide a glimpse into the causes of gendered segmentations, gendered stratifications and gendered pay gaps across hundreds of smaller-scale PSFs in the UK. Written from the dual perspective of both a feminist economist and a feminist geographer, this thesis draws from the experiences of legal professionals who are employed in a range of different law firms to present a rich collection of in-depth, descriptive transcripts of employee attitudes, aspirations, values and beliefs. These stories serve to introduce the ‘non-elite’ legal body into existing literatures on gender and interactive service work within the fields of human geography, whilst also potentially laying the groundwork for a new feminist politics of the body.³⁸ Before explaining the project in more detail, it is useful first to consider the historical background to this study. The story of the legal services sector over the last century

³⁶ The Law Society, ASR, 2014, p. 12. Note that the way in which PC holders are counted on a geographical basis has changed from previous years’ reports, therefore the data for 2014 is not directly comparable with previous years, however, there is evidence that the number of PC holder working within the Greater London area has increased from approximately 35% in the last ten years.

³⁷ Here, a note on terminology is important, as I shall be speaking solely of provincial (i.e. regional) PSFs. This choice of vocabulary is by no means derogatory in connotation, and it must be noted from the onset that the word ‘provincial’ here is interchangeable with ‘regional’ or ‘local’. These regional law firms may be single-office firms, part of a cluster of national firms, and may for example be the ‘sister’ office to a large international firm. The lawyers (i.e. Practising Certificate (PC) holders) that are employed at these firms may work solely in their city or with weekly commutes to the Capital. They may have ‘City’ experience, have worked internationally, or may have always worked in the same firm in the same high-street in their hometown. The provincial PSF and the seeming ‘non-elite’ lawyer are thus very variable, defined and linked only by location being *outside of London*.

³⁸ ‘Politics of the body’ is a phrase often used within feminist theoretical texts. See Alison Phillips, *The Politics of the Body: Gender in a Neoliberal and Neoconservative Age*, (London: Polity Press, 2014)

contextualises the academic project ahead, and serves as a reminder that women's participation in this profession is a relatively new phenomenon.

1.2 The Rise of Female Participation.

During the latter half of the nineteenth century, across the United States, women slowly began to start practicing law. By 1895, twenty-nine states allowed women to practice law, and by 1915 this number rose to forty-three state bars.³⁹ By comparison, the United Kingdom was slow on the uptake; it was not until 1919 with the introduction of the Sex Disqualification Act that women were allowed to practice law.⁴⁰ Prior to this, the Law Society had in fact refused to allow women to sit legal examinations. Indeed, in a famous test case (*Bebb v The Law Society*) a judge ruled that Gwyneth Bebb was not a 'person' under the Solicitors Act of 1843. Bebb, who had achieved first-class honours whilst reading law at Oxford University, was not permitted to sit Law Society examinations. On December 18th 1922, four women sat and passed the exams: Maud Crofts, Carrie Morrison, Mary Pickup and Mary Sykes. Carrie Morrison was the first to finish her 'articles' (a 'training contract' in modern day terminology) and became the first British woman to be admitted to the roll as a solicitor. The other women followed shortly thereafter, with Maud Crofts going on to build a prestigious client base of influential and wealthy women's suffrage movement members. Though the admittance of into the legal profession is of course a significant landmark in the story of the evolution of the UK legal sector, it is important to recognise that during this period it was extremely difficult for women to attain a legal education, and even if women were lucky enough to have wealthy or well-connected husbands or fathers, articles cost between three hundred and five-hundred guineas. Moreover, it was impossible for women to hold degrees; Morrison and Crofts had both been allowed to study, attend lectures and sit exams at Girton College, Cambridge, and yet university authorities denied them their First Class Honours degrees. In this

³⁹ For further reading see Paul Brand, *The Origins of the English Legal Profession*, (London: Blackwell, 1992); Brooks, CW Brooks, *Pettyfoggers and Vipers of the Commonwealth: The "Lower Branch" of the Legal Profession in Early Modern England*, (Cambridge: Cambridge University Press, 1986), Harry Kirk, *Portrait of a Profession: A History of the Solicitors' Profession 1100 to the Present Day*.(London: Oyez, 1976), David Sugarman, *A Brief History of the Law Society*, Law Society, 1994.

patriarchal context, gains made in the legal profession for women were slow and painstaking during the early years of the twentieth century.

In the late 1940s, with the cultural and political climate changing, progress began to pick up pace. Women's increasing participation in the law was marked by Dame Rose Heilbron and Helena Normanton, who were the first women called to receive King's Council at the English bar, and thus become the first female barristers.⁴² Heilbron went on to achieve an illustrious career, paving her way through what was undeniably, at the time, a very patriarchal profession. In 1956, became the first woman to lead an English murder case, defending notorious gangster George Kelly. In the same year, Heilbron appeared in court against Eileen MacDonald, which became the first case in which two female barristers argued against each other. In 1972, Heilbron then became the first female judge to sit in the Old Bailey, and two years later became a High Court judge. Unfortunately for Heilbron, her male peers assigned her to the Family Division – a seemingly 'softer' field than her background in criminal law. Such small details serve to suggest that the women's fight for equality within the legal profession is peppered with small, bittersweet victories. Nevertheless, by the mid 1970s, the world was a different place, and gender equality was not just part of the popular culture's lexicon, but also in legislation. The pioneering Sex Discrimination Act of 1975 made it illegal to promote men above women on the premise of their gender alone, calling into importance the qualifications and experience of the employee. The Act also prevented employers to demote or penalise parents for taking maternity or paternity leave. Despite the removal of formal entry barriers, and the presence of sexual equality laws, women's participation within the legal profession remained 'marginal throughout most of the twentieth century'.⁴³

The legal services sector changed dramatically during the 1980s. With the deregulation of money markets, and the emergence of various new technologies, in Britain, the US and Japan, law firms enjoyed an unprecedented economic boost, becoming bigger, more lucrative, and employing more people than ever

⁴² Note that in 1923, Margaret Kidd was called to the Scottish bar, becoming the first female member to appear before the House of Lords.

⁴³ Bolton and Muzio, p.286.

before.⁴⁴ Across advanced economies all over the world, ‘private practice’ legal services providers flourished. In this respect, the story of the expansion of the legal services sector sits neatly within well-known narrative of human geography scholarship regarding of the rise of the ‘interactive services’ industry. As McDowell argues, the ‘shift to a service dominated economy has undoubtedly been the most significant change in the labour market in the final quarter of the twentieth century’.⁴⁵ This structural change has been linked to the creation of ‘high-touch’, ‘high-tech’ jobs, as well as the ‘feminisation of employment’, which have been widely documented within the academy.⁴⁶ Such changes are evident within the expansion of the interactive *legal services sector*. With the advances in travel, technology and the expansion of the financial industries; ‘[m]oney, advice, and even people could be moved around the world at high speeds’, indeed ‘technological innovations had created a deterritorialised ‘space of flows’.⁴⁷ Lawyers did not have to work across different jurisdictions find themselves working internationally; with the advent of the internet and the increased use of air travel, they began to service clients all over the world. In this ‘Golden Age’, firms encouraged employees to ‘sell themselves’ and their specialist skills in a truly global economy; the client-patron nature was re-defined to become increasingly identity-based, and legal services became more ‘high-touch’ and ‘high-tech’. Alongside the transformations of the legal services sector, women began to enter the profession on mass. Over the last thirty years alone, the number of women in the legal profession increased by a staggering 1800 per cent.⁴⁸

⁴⁴ For further reading see Richard L. Abel, *The Legal Profession in England and Wales*, (London: Blackwell, 1988), Richard L. Abel, ‘The Transformation of the American Legal Profession’, *Law and Society Review*, 1986, pp. 7-17; Stephen Ackroyd and Daniel Muzio, ‘The Reconstructed Professional Firm Explaining Change in English Legal Practices’, *Organization Studies*, 2007, Vol. 28, Iss. 5, pp. 1-19.

⁴⁵ Linda McDowell, *Redundant Masculinities? Employment Change and White Working Class Youth*, (London: Blackwell, 2003).

⁴⁶ Guy Standing, ‘Global Feminization Through Flexible Labor: A Theme Revisited’, *World Development*, 1999, Vol. 27, Iss. 3, pp. 583-602; Carla Freeman. *High Tech and High Heels in the Global Economy: Women, Work, and Pink-Collar Identities in the Caribbean*, (Durham, US: Duke University Press, 2000); Mary Gatta, Heather Boushey, and Eileen Appelbaum, ‘High-Touch and Here-to-Stay: Future Skills Demands in US Low Wage Service Occupations’, *Sociology*, 2009, Vol. 43, Iss. 5 pp. 968-989; Daniela Casale and Dorrit Posel, ‘The Continued Feminisation of the Labour force in South Africa’, *South African Journal of Economics*, 2002, Vol 70, Iss. 1, pp. 156-184; Karla Erickson and Jennifer L. Pierce, ‘Farewell to the Organization Man: The Feminization of Loyalty in High-End and Low-End Service Jobs’, *Ethnography*, 2005, Vol. 6, Iss. 3, pp. 283-313.

⁴⁷ *Ibid.*, p.2. ‘Space of flows’ refers to the work of Manuel Castells, *The Informational City*, (Cambridge, MA: Blackwell, 1989).

⁴⁸ The first woman to enter the profession was Carrie Washington, in 1922. See Hilary Sommerlad and Peter Sanderson, *Gender, Choice and Commitment: Women Solicitors in England and Wales and the Struggle for Equal Status*, (Dartmouth: Dartmouth Publishing Company, 1998).

Unfortunately, the increased participation of women within the profession is by no means indicative of gender emancipation or equality.⁴⁹ The central paradox to this process of feminisation is that the sector has become characterised by deep patterns of vertical stratification and horizontal segmentation.⁵⁰ Firstly, women populate less ruminative areas of the profession which are identified as ‘female specialisms’, the classic example being family law. As Bolton and Muzio argue:

These areas are defined in terms of allegedly female traits such as empathy, consideration and personal support and are contra-posed to traditionally male domains such as the cut-throat world of corporate law, with its cold calculating logic and its emphasis on masculine traits such as ruthlessness, assertiveness and endurance.⁵¹

Such ‘feminine’ sectors require employees to engage in what feminist geographers describe as *interactive body work*; the legal services worker must talk to clients face-to-face regarding sensitive matters such as divorce, family welfare, income and assets.⁵² In essence, this is a sort of emotional labour, as employees are required to draw on their ‘natural’ emotional resources and display diplomacy, professionalism, patience and positivity at work. The problem for women in the legal sector is that these skills and services are not as well ruminated as those required in the more masculine specialisms. Interlinked with this gendering of workplace identities and the issue of occupational segregation is the second main problem regarding the gender pay gap: Law Society statistics indicate that men are habitually paid more even when they hold *the same* positions as women. In the legal profession, the importance of presentism, ‘client-billings’, performance and

⁴⁹ See John Hagan and Fiona Kay, *Gender in Practice: A Study of Lawyers' Lives*, (Oxford: Oxford University Press, 1995);

⁵⁰ See John Hagan, and Fiona Kay, *Ibid.*

⁵¹ Bolton and Muzio, p. 286.

⁵² Emotional labour as a concept was coined by Arlie Russell Hochschild, in the book *The Managed Heart*, (California: University of California Press, since 1983). The commercialisation of feeling has since been well-documented. For further reference see Nicky James, ‘Emotional Labour: Skill and Work in the Regulation of Feelings’, *The Sociological Review*, 1989, Vol. 37, Iss. 1.; Blake E. Ashforth and Ronald H. Humphrey, ‘Emotional Labour in Service Roles: The Influence of Identity’, *Academy of Management Review*, 1993, Vol. 18, Iss. ; Celeste M. Botheridge and Alicia Gradey, ‘Emotional Labor and Burnout: Comparing Two Perspectives of “People Work”’, *Journal of Vocational Behaviour*, 2002, Vol. 60, Iss. 1, pp. 17-39; Celeste M. Botheridge and Raymond T. Lee, ‘Development and Validation of the Emotional Labour Scale’, *Journal of Occupational and Organizational Psychology*, 2003, Vol 76, Iss. 3, pp. 365-379; Sharon Bolton, ‘Trolley Dolly or Skilled Emotion Manager? Moving on from Hochschild’s Managed Heart’, *Work, Employment and Society*, 2003, Vol. 17, Iss. 2, pp. 289-308; Paul Brook, ‘In Critical Defence of ‘Emotional Labour’ refuting Bolton’s critique of Hochschild’s concept’, *Work, Employment & Society*, 2009, Vol. 23, Iss. 3, pp. 531- 548; Sharon Bolton, ‘Getting to the Heart of the Emotional Labour Process: A Reply to Brook’, *Work, Employment & Society*, 2009, Vol. 23, Iss. 3, pp. 549-560. See also specific work on aesthetic labour; Christine L. Williams and Catherine Connell, ‘“Looking Good and Sounding Right” Aesthetic Labour in the Retail Industry’, *Work & Occupations*, 2010, Vol. 37, Iss. 3, pp. 349-377.

long hours cannot be underestimated. This highlights the potential difficulties for working mothers to feasibly achieve the formal targets required to obtain the same bonuses as their male counterparts. These various interlinked issues may also indicate why men are more likely than women to climb the occupational hierarchy to reach partnership and other lucrative positions of power. Such vertical and horizontal segregation is also inevitably linked to the various forms of fragmentation within legal services work.⁵⁴ This paradoxical and complex picture of the legal services sector reveals how gender has been – and continues to be – a shaping influence in the working lives of solicitors in the UK. Ultimately, whilst women may have achieved equal participation rates within the legal services sector, they are by no means on an equal footing with their male counterparts

The current economic climate creates a particularly interesting backdrop to this picture of gender at work in the legal profession. The dramatic collapse of investment bank Lehman Brothers in October 2008 and the global financial crisis which followed had a significant impact on the legal services industry across the globe. The United States saw unprecedented layoffs, hiring freezes and significant salary decreases.⁵⁵ In the UK, law firms closures saw a 26% increase throughout 2008 and 2009.⁵⁶ The number of training contracts taken up by new entrants halved between 2008 and 2011, hitting an all-time low the UK hadn't seen for over a decade.⁵⁷ For a profession that had arguably already been suffering from the incidence of 'over-education', the recession exasperated the situation of saturation; the legal labour market simply couldn't absorb the huge influx of students.⁵⁸ Top London firms reportedly asked their new graduate recruits to defer their start dates,

⁵⁴ For further reading on fragmentation, see for example David Jordhus-Lier, 'Places of Work, Scales of Organising: A Review of Labour Geography', *Geography Compass*, 2007, Vol. 1, Iss. 4, pp. 814-833; Helen Jarvis, Andy C. Pratt, and Peter Cheng-Chong Wu. *The Secret life of Cities: The Social Reproduction of Everyday Life*, (New York: Pearson Education, 2001); Ian Watson, John Buchanan, Ian Campbell and Chris Briggs, *Fragmented Futures: New Challenges in Working Life*, (Sydney: Federation Press, 2003).

⁵⁵ Eli Wald, 'The Economic Downturn and the Legal Profession, Foreword: The Great Recession and the Legal Profession', *Fordham Law Review*, 2011, vol. 78, issue 5, pp. 2051 – 2066, p. 2051-2.

⁵⁶ A Travelex White Paper, 'The Challenge of a New Economy – Impact of the global recession on Law Firms', May 2014. See also Alex Aldridge, 'Law Firms Fear Double-Dip Recession', *The Guardian*, August 11th, 2011.

⁵⁷ The Law Society, 'Trends in the Solicitors Profession', p. 4. A decrease from approx. 12,000 to 6,000.

⁵⁸ To unpack this term is crucial, as it has by definition been deemed a tricky topic. In a sense, it implies a utilitarian view of education, rather than learning for its own sake. See Peter Dolton & Anna Vignoles 'The incidence and effects of over-education in the U.K. graduate labour market', *Economics of Education Review*, 2000, Vol. 19, pp. 179-198. The authors reject what they consider to be 'narrow human capital hypotheses' and conclude that the evidence they collected points towards an 'assignment theory interpretation of the labour market whereby both the human capital of the individual and the requirements of the job determine earnings'. This focus on earnings is of course symptomatic of the economics discipline from which such studies originate. Dolton and Vignoles measure the incidence and effects of over-education in the U.K. graduate labour market, using data from the National Survey of 1980 Graduates and Diplomats.

although some paid students up to ten thousand pounds for the inconvenience of delaying their entry into the legal labour market.⁵⁹ Other firms introduced reduced-hours working arrangements, cutting salaries by approximately 15%.⁶⁰ These transformations to the legal labour market invariably shape the long-term careers as well as the everyday experiences of men and women who work within the legal profession across England and Wales today. If there was ever a ‘Golden Age’ of the legal services sector, it has undeniably now come to an end.

Arguably, women's position within the legal profession is even more precarious in this era of financial uncertainty and heightened competitiveness within the labour market. Although it is promising that the gap between the proportion of men and women in partnership positions has narrowed over recent years (notably the margin was 26.7% in 2009) this poor representation of women at the highest echelons of the career ladder is evidentially one which could worsen with time. When we consider the fact that the ASR data shows that the proportion of partners overall is declining, the issue of female representation becomes ever more concerning: ‘the 2014 data shows for the first time, that less than one-third of private practice solicitors were partners in a firm compared with 37.4% ten years earlier’.⁶¹ In the UK today, it is potentially more difficult than ever to climb the career ladder; to attain the financial rewards and prestige of partnership. In order to understand the practices and processes of promotion, here it is worth taking a brief look at the formal hierarchy within the legal profession, and to trace a trajectory to the career of a solicitor.

An aspiring lawyer in the UK can enter the profession either via an apprenticeship, or through the graduate route.⁶² Those that attend university must attain a bachelor's degree either in law, or complete a one-year law conversion course as an ‘add on’ to their degree in a non-law subject, called a Graduate Diploma in Law (GDL). She or he must then obtain their Legal Practice Course (LPC) which ensures the individual has

Dolton & Vignoles found that due to this influx, ‘a significant proportion of U.K. graduates entered non-graduate jobs when they left higher education in 1980’, a phenomena more commonly known today as ‘de-skilling’.

⁵⁹ Alex Aldridge, ‘Law Firms Fear Double-Dip Recession’, *The Guardian*, Thursday 11th August 2011.

⁶⁰ Ibid. Correspondingly, an increase in the incidence of ‘deskilling’ has been seen in the UK legal sector, i.e. students taking paralegal work when unable to secure a traineeship.

⁶¹ The Law Society, ASR, p. 29

⁶² There are many different routes to becoming a solicitor, including a ‘CILEX route’ for those with a minimum of four GCSEs or equivalent which is based on experience within the sector, and also the various routes of overseas lawyers, or those whom are qualified barristers, which includes certificates of eligibility and the layer transfer scheme, respectively. Here, I discuss the degree route, as it is the route taken by all the participants in this study and thus the most relevant to explain. For further information see The Law Society, ‘Becoming a Solicitor: Start Planning Your Future Today’, January 2016.

the necessary skills to work in a solicitor's office. On completion of this course, the legal professional will then begin a training contract with a law firm. During this period, they will undertake a Professional Skills Course (PSC) which is required in order to become a qualified solicitor and be admitted to the roll. The terminology differs between regional, national and international firms, but broadly speaking a newly-qualified solicitor will commonly be described as an 'NQ' and in private practice, she or he will aim to attain the role of 'Associate'. The next formal job title is 'Senior Associate', which indicates that the individual has a strong command of their legal field, and has a certain level of seniority in their firm. This role also indicates that the lawyer is heading onto the pathway to partnership. To be considered for the prestigious role of 'Partner', a legal profession is expected to bring in new clients to the firm. In order to 'make partner', as it is commonly referred to in the industry, the lawyer must have professional contacts, social and professional prowess, and must potentially dedicate a large proportion of their time, energy and resources into 'touting for new business' for the firm. A partner of a law firm usually starts off as a non-equity partner, and then years later may be offered a stake in the stake in the firm, and thus be offered the role of 'Equity Partner'. This is, in essence, the highest rung on the ladder within the career hierarchy of a UK private practice law firm. Whilst these various roles can differ from firm to firm, as do the clients and cases, legal services work is potentially very similar for associates and senior associates in the same fields across the UK. This group of interactive services workers engage in face-to-face 'body work' on a daily basis, yet they also have much desk-based work, attending to emails, phone calls, and administrative tasks such as billing their hours.

This initial insight into the working lives of lawyers offers the beginning groundwork for the upcoming academic analysis into gender at work. As we shall see in the forthcoming chapters, gender shapes everyday working life, it affects pay, perceptions of performance, workplace identity, and the way in which the working body is seen to cope with the pressures of legal services work. So, how best do we theorise the legal services worker within the framework of feminist economic geography?

1.3. Theorising the Legal Labourer.

As Barnes et al. note, ‘for much of its history economic geography strove to ignore the bodies of the people it represented’.⁶³ Originally within this field of scholarship, discussion of the body and identity was very much disregarded and economic geographers saw people as ‘de-corporealized’.⁷² This conceptualisation started to change in the early 1980s:

especially under the influence of feminism then entering the wider discipline of geography, issues of the body and identity became increasingly important, making their way into the subdiscipline’s agenda. This project initially ran alongside political economy, sometimes joining, other times bumping against but within a few years it was progressively diverging, moving onto a different track.⁷³

Arguably, there was simultaneously a collision and conjoining of disciplines, whilst human geography scholarship began to become infused with feminist thought. Barnes et al note that this coincided with a larger ‘cultural turn’ in which both the subject matter and the methods used were coming under close scrutiny within the academy. In line with the popularity of post-structuralism, what I would call a feminist ‘politics of the body’ began to take hold within cultural and economic geography. In the 1980s, scholars began to push the boundaries of what subject matter and methodologies were used within the field.⁷⁴ Following this, the 1990s saw some seminal studies which really highlighted the importance of gender and power at work. McDowell’s *Capital Culture* McDowell draws on her ethnographic study of the banking industry to argue for the various ways through which gender and power are constructed in the City. Doreen Massey and David Wield’s paper *High Tech Fantasies* examined workers in Cambridge⁷⁵ and Susan Hanson and Geraldine Pratt’s study of Worcester ‘showed that labour markets are shaped and operationalized, shot through, by local

⁶³ Trevor Barnes, Eric Sheppard, and Jamie Peck, (ed.s), *The Wiley-Blackwell Companion to Economic Geography*, (London: Blackwell Publishing, 2012), p. 401.

⁷² Linda McDowell, *Capital Culture*, (London: Blackwell, 1997),p. 401.

⁷³ *Ibid.*, p. 402.

⁷⁴ *Ibid.*, p. 403 referring to Veronica. Beechey, *Unequal Work*, (London: Verso Books, 1987). See also Cynthia Cockburn and Susan Ormond, *Gender and Technology in the Making*, (London: Sage: 1983); Rosemary Crompton and Kay Sanderson, *Gendered Jobs and Social Change*, (University of Virginia: Unwin Hyman, 1990); Heather Clark, John Chandler, Jim Barry, *Organisation and Identities: Text and Readings in Organisational Behaviour*, (London: Chapman and Hall, 1994).

⁷⁵ Doreen B. Massey, Paul Quintas, David Wield, *High Tech Fantasies: Science Parks in Science, Society, Space*, (London: Routledge, 1992).

institutions, connections and knowledge, which vary markedly by gender'.⁷⁶ This new wave of feminist-inspired studies foregrounded issues of gender, illuminating the importance of the body, and the spaces and places in which it laboured. In a sense, the human subject of economic and cultural geography scholarship began to be 'corporealised' by a feminist-inspired 'politics of the body'.

The shift towards a service related economy in the pre-millennial western world was reflected in the academy. Human and economic geography saw a shift towards a heightened recognition of gender and the body, resulting in the coining of the concept: *interactive body work*. Interactive body work invariably requires sympathy, empathy, tactility, diplomacy, patience – such 'soft skills' and attributes that are habitually associated with femininity. This type of analysis has provided a particular focal point for research into women's employment amidst the rise of the interactive services industry. In the field of feminist geography, analyses of 'poor work' such as caring, clerical, cleaning and other jobs which fit around childcare and other domestic duties have been prolific. A plethora of 'poor work' studies including analysis of catering workers, factory workers, and data entry workers mark what some may say is now a disciplinary tradition.⁷⁷ There has also been a steady stream of studies regarding what cannot be described as 'poor work' *per se*, but still precarious, part-time contracted work in the retail, fashion, and beauty industries in which women struggle to gain secure, well-paid employment.⁷⁸ In addition, there has also been a substantial body of literature addressing 'elite' professions, notably banking although also accountancy and other professional service fields which have experienced large influxes of women since the 1980s.⁷⁹ Whilst this work does not necessarily fall within the field of feminist geography, it arguably concerns the same issues of emotions, embodiment and the body – particularly the various processes of professional identity formation which are so

⁷⁶ Ibid., p. 402. Referring to Susan Hanson and Geraldine Pratt, *Gender, Work, and Space*, (London: Routledge, 2009).

⁷⁷ Carla Freeman, 'Femininity and Flexible Labor Fashioning Class through Gender on the Global Assembly Line', *Critique of Anthropology* Iss. 18., Vol. 3, 1998, pp. 245-262.

⁷⁸ Deborah Leslie, 'Gender, Retail Employment and the Clothing Commodity Chain', *Gender, Place & Culture*, 2002, Vol. 9, Iss. 1, pp. 61-76; Angela McRobbie, *British Fashion Design: Rag Trade Or Image Industry?* (London: Routledge, 2003); Miliann Kang, 'The Managed Hand: The Commercialization of Bodies and Emotions in Korean Immigrant-Owned Nail Salons', *Gender & Society*, 2003, Vol. 17, Iss. 6, pp. 820-839.

⁷⁹ See Rosemary Crompton, 'Women in Banking: Continuity and Change since the Second World War', *Work, Employment & Society*, 1989, Vol. 3, Iss. 2, pp. 141-156; B. Stacey, 'Women in Banking', *Service Industries Journal*, 1982, Vol. 2, Iss.2., pp. 56-65; Tran Tu, Thi Thanh, Hoang Huu Loi, and Tran Thi Hoang Yen, 'Relationship between Gender Diversity on Boards and Firm's Performance-Case Study about ASEAN Banking Sector', *International Journal of Financial Research*, 2015, Vol. 6, Iss. 2, p. 150 -165; Emma García-Meca, Isabel-María García-Sánchez, and Jennifer Martínez-Ferrero, 'Board Diversity and its Effects on Bank Performance: An International Analysis', *Journal of Banking & Finance* , 2015, Vol. 5, Iss. 3, pp. 202-214.

crucial to gendered power structures and the acquisition of status in professional services industries. Such feminist scholarship provides insight into how we can flesh out the labouring body of the provincial legal services worker, yet it is feminist geographies offer useful conceptual frameworks for understanding the ways in which gender plays a large part in the working lives of men and women in the legal services sector.

Linda McDowell's work is particularly useful, as her analyses move beyond traditional theories of male dominance of labour markets to appropriate various theories concerning embodiment, emotions and identity formation to highlight their effects on women's engagement in the services economy.⁸⁰ Drawing upon a range interdisciplinary approaches, she argues that, '[j]obs are not gender neutral', rather, they are constructed as appropriate in lieu with the masculine or feminine attributes that employees are required to embody.⁸¹ Analysing the embodied, everyday experiences of bankers, traders, dealers, analysts, and corporate financiers, McDowell highlights the ways in which, through dress, language, behaviour, cultural attitudes and identity, men and women 'do' gender at work differently. Of course a large body of pre-existing academic work has analysed the ways in which 'feminine' attributes have been set against opposed 'masculine' jobs 'in order to organise and reorganise labour processes and differentially reward workers on the basis of their gender'.⁸² However, McDowell really pins her theories of gender and power onto the labouring body. She moves beyond the traditional narrative of male dominance versus female subordination to really grapple with the complexities of the gendered body at work to illustrate the way notions of prestige and professionalism work within the banking industry.

McDowell's broad definition of interactive service work put forward in *Capital Culture, Working Bodies* and *Redundant Masculinities* (which includes teaching, medicine, bar work, sales, beauty therapy,

⁸⁰ Linda McDowell, 'Elites in the City of London: Some Methodological Considerations', *Environment and Planning A*, 1998, Vol. 30, Iss. 12, pp. 2133-2146; McDowell, Linda, 'Capital Culture Revisited: Sex, Testosterone and the City', *International Journal of Urban and Regional Research*, 2010, Vol. 34, pp. 652-658; Linda McDowell and Gill Court, 'Missing Subjects: Gender, Power, and Sexuality in Merchant Banking', *Economic Geography*, 1994, Vol. 70, Iss. 3, pp. 229-251.

⁸¹ McDowell, *Capital Culture*, p.25

⁸² Ibid., p. 26, referring to Veronica Beechey, *Unequal Work*, (London Verso, 1987); Veronica Beechey and Tessa Perkins, 'A Matter of Hours', (Cambridge: Polity, 1987); Rosemary Crompton and Gareth A. Jones, *White-collar proletariat: Deskillling and gender in clerical work*, (London: Macmillan, 1984); Rosemary Crompton and Kay Sanderson, *Gendered Jobs and Social Change*, (London: Routledge, 1990); Ruth Milkman, *Gender at Work: The dynamics of Job Segregation by Sex during World War II*, (Illinois: University of Illinois Press, 1987). See for reference Sara M. Freedman and James S. Phillips, 'The Changing Nature of Research on Women at Work', *Journal of Management*, 1988, Vol. 14, Iss. 2, pp. 231-251.

door-manning, boxing and banking) can be extended to include legal services work, simply because *embodiment, emotions and identity* are of prime importance and the public-facing, client-focused nature of the profession. The legal services industry places extreme importance on the employees' body, behaviour, dress and deportment and the work employees of these PSFs are required to do very much falls under the specification of interactive body work. McDowell's *Capital Culture* is especially relevant to the project of the provincial PSF as it exposes the ways in which the places, spaces and cultures of the big merchant banks undervalue their female employees. She argues that although '[i]t might be the new landscapes of Power in the City, with their interconnected spaces of pleasure and leisure as well as workspaces, present a less masculinised and intimidating environment for women',⁸³ the blurring of leisure and workplace lines may in fact 'act to re-place women as objects of pleasure and so paradoxically reconfirm rather than challenge their exclusion from the 'serious' spaces of serious money'.⁸⁴

In the forthcoming research, I assess the blurring of private/professional boundaries in the legal profession and ask: are female solicitors sexualised, cast as objects of pleasure and thus excluded from the serious spaces of serious money? McDowell's work evidentially provides the blueprint for this particular question, (which is addressed fully in chapter five), as she shows how sexuality, appearance, identity – the aesthetic and the embodied – all shape employment experiences within interactive services work to construct different power dynamics between men and women. As McDowell states, the 'appropriateness and suitability for different types of work are mapped onto the diverse characteristics of workers'.⁸⁵ Such mapping metaphors present one of the many useful theoretical tools available when drawing on this particular 'brand' of feminist economic geography. As Barnes et al, in *Capital Culture* McDowell demonstrates that 'embodiment and identity mattered even within the Citadel of capitalism'⁸⁶ Her work, alongside other feminist geographers, showed that 'embodiment and identity should be part of the bread and butter

⁸³ McDowell, *Capital Culture*, p. 67.

⁸⁴ *Ibid.*, p. 67.

⁸⁵ *Ibid.*, p.48.

⁸⁶ *Ibid.*, p. 403.

vocabulary of the discipline, on par with accumulation and value, governance and regulation’, and draws heavily on Foucauldian and Butlerian theory.⁸⁷

The law-specific literature on gender and the body is predominantly inspired by a different albeit interlinked school of thought; that of Pierre Bourdieu. Take for example the work of Haynes, who draws on Bourdieusian concepts of physical capital to understand how dress, demeanour, weight, accent, behaviour shapes an individuals’ experience within the PSF and the various ‘processes of socialization, subordination and control’.⁹⁸ Divergent from the Butlerian and Foucauldian inspired work of McDowell, Haynes takes a critical view and recognises that whilst Pierre Bourdieu did not provide a ‘detailed account of gendered orientations to the body’, we can potentially extend his insights ‘to encompass gender and a form of gendered physical capital’.⁹⁹ This helps Haynes expand her debate, which highlights how the physical body is a crucial facet to the production of professionalism. She discusses the impact of embodied practices at work, arguing for a recognition of the body as central to the acquisition of status and distinction; such conceptualisation relates back to Bourdieu in that ‘the body is a bearer of symbolic power, through its form of physical capital, and in its “embodied states, as modes of speech, accent, style, beauty and so forth”’.¹⁰⁰ Haynes work is of particular use to the project of analysing gender in provincial law firms – especially the second research question regarding career progression – as she speaks specifically about the acquisition of status, which is of course crucial to male and female lawyers in the partnership pipeline.

The conceptualisation of the labouring legal body used in this thesis is heavily influenced by the work of two of the aforementioned key theorists: Foucault and Butler. In the forthcoming chapters, I shall explain this perspective, drawing on the two sets of interconnected theoretical arguments; the first being the feminist reappropriation of Foucault’s notion that the body is an in scripted surface, as put forward by scholars such as Sandra Lee Bartky and Susan Bordo; the second being Judith Butler’s post-structuralist work

⁸⁷ Ibid., p. 403.

⁹⁸ Haynes, p. 489

⁹⁹ Ibid., p. 490. See Pierre Bourdieu, *Distinction: A Social Critique of the Judgement of Taste*, London: Routledge, 1984; “The Genesis of the Concepts of Habitus and of the Field” *Sociocriticism*, 1985, Vol. 2, pp. 11-24; “The Forms of capital”, in *Handbook of Theory and Research for the Sociology of Education*, (ed. J. Richardson) (New York: Greenwood Press, 1986), pp. 241-258; *The State Nobility: Elite Schools in the Field of Power*, (Cambridge: Polity Press, 1998 [1989])

¹⁰⁰ Haynes, p. 501.

on performativity and masquerade.¹⁰¹ The theorisation is also shaped by a Bourdieusian understanding of the body as a bearer of symbolic power, alongside a close analysis of embodied states such as modes of speech, aesthetic presentation, style, beauty etc. Rather than attempt to in any way replicate the re-appropriation of Butlerian and Foucauldian theory put forward by scholars such as McDowell in her analysis of merchant banks, or indeed replicate the use of Bourdieu in Haynes work on labouring legal bodies, this thesis attempts to find new ways to understand the masculinist and elitist culture which is specific to law firms – drawing on theoretical tools too often overlooked or not applied in full, such as the Butlerian concept of the heterosexual matrix and the subsequent production of ‘appropriate’ working bodies. As we shall see in the chapters ahead, it is a close re-working of Butlerian theory which is the most significant theoretical influence the project of theorising interactive service sector workers.

1.4 The Empirical Research Project.

The empirical work featured in this thesis investigates the complex and often contradictory relationship between place and pay, placing geography and gender at the fore of the analysis. This project is an exploratory one, as it is the first study of its kind and concerns PSFs and LLMs which have not yet been considered within academic analyses. It offers an initial and yet extremely detailed venture into the unknown world of the seemingly ‘non- elite’, ‘un-sexy’ and ‘un-greedy’ legal professional of the provinces. The intention is ultimately one of ascertaining how best to theorise the legal service sector workers’ *labouring body* within the framework of feminist geography. By pulling out relevant strands from various different fields literatures and constructing something which potentially builds a new conceptual model, this thesis draws from local labour market literature, as well as professional service firm literature, as well as traditional feminist scholarship to understand new ways to theorise the labouring legal body. This conceptual framework

¹⁰¹ Sandra Lee Bartky, *Femininity and Domination: Studies in the Phenomenology of Oppression*, (New York and London: Routledge, 1990); Susan Bordo, *Unbearable Weight: Feminism, Western Culture and the Body*, (California: University of California, 1993); Susan Bordo, ‘Feminism, Foucault and the Politics of the Body in Caroline Ramazanoglu, (ed.) *Up against Foucault: Explorations of Some Tensions Between Foucault and Feminism*, (Hove: Psychology Press, 1993).

constitutes a new feminist ‘politics of the body’ which is specifically geographic in its focus. It is a project which *locates* the body of the legal service sector worker in a specific place in time, recognising the interrelations between gender and geography.

The empirical work is carried out in Bristol and Guildford.¹⁰² Within this thesis, the collections of PSFs within these two particular places are conceptualised as comprising a *local labour market* (LLM). As Steven Pinch has argued:

local labour markets are difficult to define but it is generally recognised that they involve some interaction between the demands by employers for certain types of occupations and the supply of skills by various groups of individuals to fill these jobs.¹⁰³

Using the generic terminology *local labour market* implies that there is no such thing as a national labour market, rather there is a mosaic of regional and local markets that are different in their nature, their performance and their regulation.¹⁰⁴ I will consider whether the two *local legal labour markets* of Bristol and Guildford differ in their performance, and examine the extent to which they may be less ‘local’ than they may seem. Of course the dominant view that LLMs are ‘inherently local’ has been challenged by cultural and economic geographers over the years.¹⁰⁵ The nature of these markets has been shown to be unbounded, and often not as spatially defined as was once to be believed. I aim to draw on these debates in an attempt to reconceptualise the ‘local-ness’ of these particular labour markets and make some specific arguments about the way legal work is organised and rewarded in the provinces.

In the context of the legal profession, the interaction between the demands of the employer and the supply of skills is multidimensional and complex in its very nature. The fact that local law firms in this study

¹⁰² The rationale for choosing these two cities is explained in full on page 74 of chapter three.

¹⁰³ Steven Pinch, ‘Labour-Market Theory, Quantification, and Policy’, *Environment and Planning A*, 1987, Vol. 19, pp 1477-1494, p. 1477. There is of course a substantial literature regarding LLMs. For further reading see Jamie A. Peck, ‘Reconceptualizing the Local Labour Market Space, Segmentation and the State’, *Progress in Human Geography*, 1989, Vol. 13, Iss. 1, pp. 42-61; Mike G. Coombes, Anne E. Green, and David W. Owen, ‘Substantive Issues in the Definition of “Localities”’: Evidence from Sub-Group Local Labour Market Areas in the West Midlands’, *Regional Studies*, 1988, Vol. 22, Iss. 4, pp. 303-318; A. E., Green, M. G. Coombes, and D. W. Owen, ‘Gender-Specific Local Labour Market Areas in England and Wales’, *Geoforum*, 1986, Vol. 17, Iss. 3, pp. 339-351; Michael W. Smart, ‘Labour Market Areas: Uses and Definition’, *Progress in Planning* 2, 1974, pp. 239-353.

¹⁰⁴ Here I paraphrase Ron Martin and Phillip S. Morrison, (ed.s) *Geographies of Labour Market Inequality*, (London: Routledge, 2003).

¹⁰⁵ For example Jamie Peck, pp. 42-61. See also Michael Storper and Alan J Scott, ‘Work Organisation and Local Labour Markets in an Era of Flexible Production’, *International Labour Review*, 1990, Vol. 129, pp. 573-611.

often have multi-operational offices across various cities challenges traditional concepts of employee/employer interaction, as well as traditional concepts of spatiality and scale. The demands placed on employees are not necessarily space or place-specific, as the organisation of their legal work is not dictated by their region or area; clients and cases are shared between different branches of the same PSF. For example, a national law firm's London head office may pass a large proportion of their workload to their 'sister' office in Bristol as the labour of solicitors in that geographical area is cheaper than it is in the City.¹⁰⁶ The distribution of work is organised to be more beneficial and lucrative to the PSF. The increased mobility of legal professionals also challenges the 'localness' of the LLM; many legal professionals move between their firms' offices, weekly, monthly or even annually, depending on where their specialist skills are required. Evidentially, the interactions between the employers' demands and the supply of labour itself are interdependent on the type of firm, as well as the type of legal work – not necessarily the locality of the PSF. With this in mind, drawing on the concepts and complexities of the *local labour market* is extremely useful; it assists the collection and categorisation of various law firms in different locations, prompts questions of the way in which regional areas differ in terms of their supply and demand of labour, and also enables an assessment of the connections and similarities between LLMs.¹⁰⁷

This investigation into gender and geography is divided into three research themes: i) place and pay, ii) progression and the 'partnership pipeline', iii) parenthood. The corresponding research questions are therefore as follows:

RQ1: What are employees' attitudes towards the location of their PSF and their salary?

RQ2: Are their gendered differences in employees' everyday experiences, perceptions of career progression and the perceived likelihood of promotion to partnership?

RQ3: How does parenthood affect the working lives of male and female employees?

¹⁰⁶ Many scholars have researched spatial wage disparities, for example Pierre-Philippe Combes, Gilles Duranton, and Laurent t Gobillon, 'Spatial Wage Disparities: Sorting Matters!', *Journal of Urban Economics*, 2008, Vol. 63, Iss. 2, pp. 723-742. However there is, to my knowledge, no research into this disparity in the legal profession – particularly the divergence between different branches/offices of the same PSF.

¹⁰⁷ In chapter four, I draw on some of these discussions within human and economic geography and pose some interesting theoretical questions about the inherent assumptions regarding locality, spatiality and scale to understand the ways in which gender and geography interrelate to mark the experiences of legal professionals similar or divergent from their 'elite' London peers.

These questions will be detailed in full in the next chapter, however here a brief summary is useful. The first question focuses on interviewees' attitudes towards the geographical location of their law firm, as well as their salary satisfaction. It addresses the interlinked and complex relationship between place and pay, and assesses interviewees' conceptualisations of labouring outside of London. The second question looks at career progression in light of the previously aforementioned gap between the number of men and women at partnership level. The focus is on what I shall call the 'partnership pipeline', which is the often intangible route up the career ladder, culminating in becoming an integral member of the PSFs' managing board of partners – an event which is often referred to within the industry as 'making partner'. The third question concerns the problem of parenthood, which is so often cited in the literature regarding Magic and Silver Circle firms. It aims to explore whether the culture of provincial law firms is perhaps more family-friendly than City firms, or whether there are similar instances of gender-based discrimination and other ways in which gender plays a role in the dynamics of power within the PSF. In examining legal services labour and interactive body work, alongside notions of the body, of power, identity and status, this study considers the complex dialectic between 'City' versus non-City work, whilst undermining the false dichotomy set up between 'high-end' elite professions such as banking, with the low-end 'poor work'. It asks specific questions about parenthood and progression, looking at the crucial billable-hours culture and other facets of the profession which have yet to be fully examined in the existing literature.

The unfolding of this thesis is as follows. The next chapter comprises a literature review; a foray into the 'feminist' field of human geography in order to see how debates of the labouring body offer a foundational framework to the following research. It serves to contextualise the study by reviewing the relevant scholarship on the body, power, identity, and the legal services sector. In the third chapter, an account of the relevant research methodology, methods used and the design decisions for the qualitative study are laid out. It is in this third chapter that the three research questions shall be fully discussed. Chapter four marks the beginning of the empirical research; it addresses the first research question regarding pay and place. Chapters five and six follow suit in the same pattern, discussing the data pertinent to each research question, noting the irregularities and variations in the data set and offering potential interpretations. Chapter seven is the summative chapter, offering a detailed discussion of the overall data collected, and providing an

illustration of how feminist geographies would benefit from a closer consideration of the non-elite labouring body and more theoretical development of the PSF labourer. As we shall see in the following chapters, at the heart of this thesis are the narratives of the male and female solicitors who took part; their stories serve to introduce the 'non-elite' legal body into existing literatures on women and work within the field of human geography, whilst also potentially laying the groundwork for a new feminist politics of the body which is both inclusive and interdisciplinary.

2

LITERATURES ON THE LABOURING BODY.

2.1 Gender, Power and the Big City Law Firm.

The big City law firm has provided a focal point for many legal scholars. Its top position in the profession has fascinated some academics, who have argued for the tournament-esque nature of these large firms, which employ an increasingly small pool of partners to deal with elite clients.¹¹⁶ Feminist scholars have argued that these ‘tournaments of lawyers’ are highly gendered; that they ‘do not take place on a level playing field but in highly gendered arenas, where the odds are stacked against female contestants’.¹¹⁷ Indeed, pathways to partnership are limited as ‘the traditional models of the PSF do not attend to issues of diversity, including problems of the glass ceiling for women’.¹¹⁸ Whilst women often struggle to break through the internal barriers of the industry, men are rewarded, favoured by virtue of their sex, their lessened childcare responsibilities, and their ability to work longer hours.¹¹⁹ Within economic geography, this allegedly ‘sexy greedy’ and inherently *masculine* culture of London legal culture has generated a reasonable amount of

¹¹⁶ Marc Galanter and Thomas Palay, *Tournament of lawyers: The Transformation of the Big Law Firm*, (Chicago: University of Chicago Press, 1994).

¹¹⁷ Sharon Bolton and Daniel Muzio, ‘The Paradoxical Processes of Feminization in the Professions: The Case of Established, Aspiring and Semi-Professions’, *Work, Employment & Society*, 2008, Vol. 22, Iss. 2, pp. 81-299, p. 287, referring to Galanter and Palay.

¹¹⁸ Pinnington and Sandberg, ‘Lawyers’ Professional Careers: Increasing Women’s Inclusion in the Partnership of Law Firms’, *Gender, Work and Organization*, 2013, Vol. 20, Iss. 6, pp. 616-631, p. 628.

¹¹⁹ Deirdre Anderson, Susan Vinnicombe and Val Singh, “Women Partners Leaving the Firm: Choice, What Choice?”, *Gender in Management: An International Journal*, Vol. 25 Iss: 3, 2010, pp. 170 – 183; Ivana Bacik and Eileen Drew, ‘Struggling with Juggling: Gender and Work/Life balance in the Legal Professions’, *Women's Studies International Forum*, 2006, Vol. 29, Iss., pp. 136–146; Steven, Bolton and Daniel Muzio, ‘Can’t Live With ‘Em, Can’t Live Without ‘Em: Gendered Segmentation in the Legal Profession’, *Sociology*, 2007, Vol. 41, pp. 401 -407; Elizabeth H. Gorman, ‘Gender Stereotypes, Same-Gender Preferences, and Organizational Variation in the Hiring of Women: Evidence from Law firms’, *American Sociological Review*, 2005, Vol. 70, Iss. 4, pp. 702-728; J. Hagan and F. Kay, *Gender in Practice: A Study of Lawyers’ Lives*, (Oxford: Oxford University Press, 1995); Kathryn Haynes, ‘Body Beautiful? Gender, Identity and the Body in Professional Services Firms’, *Gender, Work and Organization*, 2012, Vol. 19, Iss. 5, pp. 489 -507; C. Menkel-Meadow, ‘Feminisation of the Legal Profession: The Comparative Sociology of Women Lawyers: Theories of Gender and Social Change’ in R. Abel, P. S. C. Lewis (eds.), *Lawyers in Society: Comparative Theories* (California: University of California Press, 1989); Jennifer L. Pierce, *Gender Trials: Emotional Lives in Contemporary Law Firms* (California: University of California Press, 1996).

academic intrigue.¹²⁰ Whilst issues of cultural, social and racial diversity have caused particular concern amongst academics, few studies in this field have directly dealt with gender. The ‘Woman’s Question’ – and indeed the ‘Man’s Question’ – is left largely to the feminist scholars.¹²¹

This chapter pulls out threads from an interdisciplinary tapestry of literatures on gender, the body and work. This includes: discussions of gender in various professional service firm industries such as banking and accountancy, analyses of how gender operates within the legal profession, accounts of the elite London lawyer, consideration of relevant LLM literature, and wider theoretical accounts of the gendered body. Reviewing this diverse set of discussions aims to prompt some new theoretical questions which will inevitably inform and shape the analysis of the following empirical research. How best can we conceptualise the provincial legal services worker? Does she/he fit within the existing literatures on the labouring body? Are the theoretical tools available to us within feminist geography applicable, or must we look further afield to truly understand the embodied experiences of these men and women? As I shall demonstrate, feminist theory is very useful for analysing the legal services labourer. Drawing on the seminal work of Susan Bordo offers a provocative approach to the provincial PSF worker; a way of moving beyond the polarised perspectives of previous feminist arguments, potentially offering insight into the ways in which the labouring

¹²⁰ Andrew C. G. Cook, James. R. Faulconbridge and Daniel Muzio, ‘London’s Legal Elite: Recruitment through Cultural Diversity and the Reproduction of Cultural Exclusivity in City Professional Service Fields’, *Environment and Planning A*, 2012, Vol. 44, pp. 1744-1762; Robert Granfield, *Making Elite Lawyers: Visions of Law at Harvard and Beyond* (London: Routledge, 1992); Smith, R. G., and P. J. Taylor. "The Long Arm of the Law: London's Law Firms in a Globalising World Economy", *Environment and Planning A*, 1999, Vol. 31, pp. 1857-1876; David B. Cooper, Bob Hinings, Royston Greenwood, and John L. Brown, ‘Sedimentation and Transformation in Organizational Change: The Case of Canadian Law Firms’, *Organization studies*, 1996, Vol. 17, Iss. 4, pp. 623-647; James Faulconbridge, and Daniel Muzio, ‘Organizational professionalism in Globalizing Law Firms’, *Work, Employment & Society*, 2008, Vol. 22, Iss. pp. 7-25; James R. Faulconbridge, ‘London and New York’s Advertising and Law Clusters and their Networks of Learning: relational Analyses with a Politics of Scale’, *Urban Studies*, 2007, Vol. 44, pp. 1635-1656; James R. Faulconbridge, ‘Negotiating Cultures of Work in Transnational Law Firms’, *Journal of Economic Geography*, 2008, Vol. 8, pp. 497-517.

¹²¹ Rosabeth Moss Kanter, ‘Reflections on Women and the Legal Profession: A Sociological Perspective’, *Harvard Women's Law Journal*, 1978, Vol., 1 p.1; Stephen Spurr, ‘Sex Discrimination in the Legal Profession: A Study of Promotion’, *Industrial & Labor Relations Review*, 1990, Vol. 43, Iss. 4, pp. 406-417; Justin D. Levinson and Danielle Young, ‘Implicit Gender Bias in the Legal Profession: An Empirical Study’, *Duke Journal of Gender Law & Policy*, 2010, Vol. 18, Iss. 1, 2010; Richard Collier, ‘Rethinking Men and Masculinities in the Contemporary Legal Profession: The Example of Fatherhood, Transnational Business Masculinities and Work-Life Balance in Large Law Firms’, *Nevada Law Journal*, 2013, Vol. 14, Iss. 2, pp. 410 - 438; Hilary Sommerlad, ‘Researching and Theorizing the Processes of Professional Identity Formation’, *Journal of Law and Society*, 2007, Vol. 34, Iss. 2, pp. 190-217; Phyllis D Coontz, ‘Gender Bias in the Legal Profession: Women “See” it, Men Don’t’, *Women & Politics*, 1995, Vol. 15, Iss. 2, pp. 1-22; Nancy E. Dowd, ‘Asking the Man Question: Masculinities Analysis and Feminist Theory’, *Harvard Journal Law & Gender*, 2010, Vol. 33, p. 415-436.

body is not just a ‘text of culture’ but a ‘practical, direct locus of social control’.¹²² Butlerian theory may also offer useful conceptual tools for getting to grips with the way gender and power manifest itself in the local law firm.¹²³ However, as we shall see, this particular theoretical path within feminist geography can often be littered with conceptual, linguistic and methodological pitfalls.¹²⁴ The purpose of this chapter is to assess the options, examine the risk, and to lay down the theoretical groundwork which will be used in the empirical research. In short, it is to consider how *and if* an examination of the legal services sector can fit within the framework of feminist geography.

2. 2 Cultural Capital and Social Magic.

Far from the field of feminist geography, a large set of literature examines diversity, equality and inclusion within the City law firm.¹³⁶ Such studies analyse the way in which power dynamics operate within the PSF, focusing on issues of class and race as opposed to gender.¹³⁷ This research presents some fascinating findings into the culture and organisation of law firms in the US and the UK. Cook, et al.’s paper on the reproduction of social exclusivity is particularly interesting; though focusing solely the City of London and the ‘elite’ actors of the city, their work offers a reference point for the upcoming project of analysing provincial legal

¹²² Susan Bordo, *Unbearable Weight: Feminism, Western Culture and the Body*, (California: University of California, 1993), p. 165, authors italics.

¹²³ Judith Butler, *Gender Trouble*, (London: Routledge, 2002); *Bodies that Matter: On the Discursive Limits of Sex*, (London: Taylor & Francis, 2011); ‘Performative Agency’, *Journal of Cultural Economy* 2010, Vol. 3.2, pp. 147-161; *Excitable Speech: A Politics of the Performative*, (London: Psychology Press, 1997); ‘Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory’, *Theatre Journal*, 1988, pp. 519-531; *Undoing Gender*, (London: Psychology Press, 2004); ‘Gender is Burning: Questions of Appropriation and Subversion’, in Sue Thornham, (ed.), *Feminist Film Theory: A Reader*, (Edinburgh: Edinburgh University Press, 1999), pp. 336-50.

¹²⁴ Lise Nelson, ‘Bodies (and Spaces) Do Matter: The Limits of Performativity’, *Gender, Place and Culture: A Journal of Feminist Geography*, 1999, Vol. 6, Iss. 4, pp. 331-353.

¹³⁶ Alexandra, Kalev, Frank Dobbin, and Erin Kelly, ‘Best Practices or Best Guesses? Assessing the Efficacy of Corporate Affirmative Action and Diversity Policies’, *American Sociological Review*, 2006, Vol. 71, Iss. 4, pp. 589-617; David B. Wilkins, “Why Global Law Firms Should Care About Diversity: Five Lessons from the American Experience”, *European Journal of Law Reform* 2, 2000, p. 415; Elizabeth Chambliss, *Miles to Go: Progress of Minorities in the Legal Profession*, American Bar Association, Commission on Racial and Ethnic Diversity in the Profession, 2004; Deborah L. Rhode, ‘Foreword: Diversity in the Legal Profession: A Comparative Perspective’, *Fordham Law Review*, 2014, Vol. 83, p. 2241.

¹³⁷ For example, David B. Wilkins, and G. Mitu Gulati, ‘Why are There So Few Black Lawyers in Corporate Law Firms? An Institutional Analysis’, *California Law Review*, 1996, pp. 493-625; Sherrilyn A. Ifill, ‘Racial Diversity on the Bench: Beyond Role Models and Public Confidence’, *Washington & Lee Law Review*, 2000, Vol. 57, p. 405.

professionals.¹³⁸ Cook et al. work from the long tradition within economic geography to look into the ‘sexy greedy’ culture of London.¹³⁹ As the authors note, ‘[t]hese studies seek to provide fine-grained detail of the way the economic practices of elites are produced and reproduced in an ongoing and uniquely London fashion’.¹⁴⁰ Whilst the elites in world cities have continued to attract academic intrigue, there is nothing new about the phenomenon of the elite city actor.¹⁴¹ Cook et al. state that their intention is to expand the original focus from the financial institutions, into what they call the ‘broader professional service complex, comprised of legal, accountancy, and other pseudo professional services such as management consultancy’.¹⁴² Cook et al.’s empirical work consists of forty-eight in-depth semi-structured interviews with employees at five of the top UK law firms, as well as semiotic content and discourse analysis of recruitment and training materials. They look specifically into the recruitment and selection (R&S) processes which disadvantage certain individuals who are trying to gain employment in top law firms, exposing the ‘deliberate attempts’ of these PSFs in reproducing social and cultural elitism when choosing their workforce.¹⁴³ Though Cook et al. barely mention gender, their work offers a useful point of reference to the upcoming project of Gendered Practice; firstly, their qualitative study of a similar size to my own; secondly, they aim to expand academic’s conceptualisation of the ‘broader professional service complex’ to include law firms, thirdly – and most importantly – they illustrate how Pierre Bourdieu’s theories can be used to examine the expectations PSFs place on their prospective employees.¹⁴⁴ This goes some way to understanding how recruitment practices result in the socially-exclusive make-up of these top City firms.

Cook et al.’s argument is based on Bourdieu’s work on ‘social fields, forms of capital, class reproduction, and the genesis of distinctive social groups’.¹⁴⁵ The authors state:

¹³⁸ Cook, Andrew C. G., James. R. Faulconbridge and Daniel Muzio, ‘London’s Legal Elite: Recruitment Through Cultural Diversity and the Reproduction of Cultural Exclusivity in City Professional Service Fields’, *Environment and Planning A*, Vol. 44, 2012, pp. 1744-1762.

¹³⁹ Ibid., p. 1744, quoting Leyshon and Thrift, *Money-Space: Geographies of Monetary Transformation*, (London: Routledge: 1997).

¹⁴⁰ Ibid., p. 1744 .

¹⁴¹ I attribute this to the authors, and am paraphrasing their sentiments in this sentence.

¹⁴² Ibid., p. 1745.

¹⁴³ Ibid., p. 1745.

¹⁴⁴ Ibid., p. 1745 referring to Pierre Bourdieu, *Distinction: A Social Critique of the Judgement of Taste*, (London: Routledge, 1984).

¹⁴⁵ Ibid., p. 1745.

[a]t one level, we emphasise the hereto unspecified role of cultural capital in the operation of exclusionary employment practices and broader processes of elite formation. At another level, we show how such processes of elite reproduction are also city-specific.¹⁴⁶

Cook et al. set out to analyse the ways in which prospective employees are ‘classified, distinguished or advantaged or disadvantaged’ due to their cultural capital, and how these individuals ‘opt in or out of the R&S processes of City law firms’ as embodied cultural capital becomes an ‘indicator of social fit in the City’.¹⁴⁷ As Cook et al. note, there is a high degree of homology expected from city lawyers¹⁴⁸ and this can create a type of ‘occupational closure’ whereby the outsider or ‘other’ is excluded.¹⁴⁹ They argue that their data shows the types of competencies and skills law firms sought during R&S process ‘did not just relate to technical competency as a lawyer but also to ways of behaving when interacting with colleagues, clients and competitors’.¹⁵⁰ Indeed, the interviewees demonstrate that many of the ‘boxes’ that candidates needed to tick related to ‘presentability’ to clients, interpersonal skills, deportment, and ‘the ability to maintain a professional façade when under pressure.’¹⁵¹ Candidates were asked about their personal hobbies and how they may have taken gap years or travelled to show their suitability to life within the firm. ‘Thus it is a candidate’s whole persona that is under scrutiny, with the ability to discuss certain types of experiences considered to be indicative of fit within the elite City field.’¹⁵² Cook et al. emphasise the significance of social fit and homology, going on to argue that ‘Bourdieu provides a number of important concepts that together help explain how elites and elite cultures come to exist in a particular occupation.’¹⁵³

Whilst Cook et al. demonstrate how useful Bourdieusian concepts of field, doxa, capital, and habitus can be to understand the production and reproduction of elitism in City firms, the argument that they put forward has several limitations. Firstly, it is evidentially extremely City-centric:

in world cities regular interactions as part of day-to-day business activities between financiers, clients and professional services delineate an elite city field characterised by distinctive doxa defining what a legitimate city lawyer is and does. Consequently, firms seek to recruit individuals possessing particular forms of cultural capital – these forms becoming

¹⁴⁶ Ibid., p. 1745.

¹⁴⁷ Ibid., p. 1745.

¹⁴⁸ Ibid., p. 1746.

¹⁴⁹ Ibid., p. 1748.

¹⁵⁰ Ibid., p. 1752.

¹⁵¹ Ibid., p. 1757.

¹⁵² Ibid., p. 1756.

¹⁵³ Ibid., p. 1747.

symbolic capital as they are valued as evidence of the appropriate habitus required to perform and succeed with the specific cultural spaces that is the City field.¹⁵⁴

Cook et al. ultimately argue for the importance of homology; that the elite white middle-class cultures of top City law firms seek out similar candidates to themselves and thus recreate and reproduce social exclusivity within the legal profession. The use of ‘cultural capital’, ‘field’, ‘doxa’ and ‘habitus’ as concepts here have considerable weight, yet Cook et al. do not extend their discussion to detail the processes by which the ‘distinctive doxa’ characteristics define the ‘perfect’ City lawyer, how he operates in his habitus, and how this relates back to performance and success. Secondly, the authors do not address the fact that these elite middle-class cultures are overwhelming male; their use of Bourdieu’s concepts offers a male-centric account of the archetypal mould of the corporate middle-class *male* lawyer, yet one which totally forgoes an analysis of gender, thus the Woman’s Question is not addressed. However, arguably the ‘Class Question’ isn’t fully addressed either. Though the authors set out to ‘explain why social class inequalities persist despite ongoing attempts to enhance social diversity in City law firms’ they do not specify these ‘ongoing attempts’ or refer to diversity strategies of the City law firms in their own study, which, being top London law firms, would indeed have a strict set of criteria to adhere to, in the form of racial diversity quotas, as well as potentially state school and gender targets.¹⁵⁵ Although Cook et al. argue that ‘diversity in this context exists within very strict boundaries defined by the elite culture of the City and its distinctive doxa’, they make no argument for what diversity really means in the elite London law firms.¹⁵⁶ Thirdly, Cook et al.’s study only focuses on the R&S as the single unit of analysis for their empirical research. What actually happens to a candidate once they are at the firm remains unknown, and yet direct examples of when firms’ R&S processes have deliberately discriminated against people because of the ‘distinctive doxa’ are absent from the analysis. These various examples highlight the limitations of an application of Cook et al.’s work.

Ashley and Empson present a more sophisticated application of Bourdieusian theory and a more in-depth theoretical discussion of differentiation and discrimination in top law firms.¹⁵⁷ The authors ask: ‘why

¹⁵⁴ Ibid., p. 1748.

¹⁵⁵ Ibid., p. 1747.

¹⁵⁶ Ibid., p. 1759.

¹⁵⁷ Louise Ashley and Laura Empson, ‘Differentiation and Discrimination: Understanding Social Exclusion in Leading Law Firms’, *Human Relations*, 2013, Vol. 22, Iss. 2., pp. 219-pp. 244.

do leading law firms discriminate on the basis of social class?’¹⁵⁸ They do not offer a simple answer based solely on the importance of homogeneity in these elite PSFs. Instead they argue that the knowledge-intensive nature of legal work means ‘clients find it difficult to judge the relative or absolute quality of work’.¹⁵⁹ Quoting Alvesson, the authors suggest that it is thus ‘very difficult to evaluate, at least for those outside the sphere of the experts concerned’, the quality, worth and true value of the legal work being carried out.¹⁶⁰

[a]s a result, presentation of an ‘upmarket’ image has become an important proxy for ‘quality’, and this is achieved by appointing graduates with particular forms of capital. Many people – often those who have less material advantages – are unable to acquire legitimized forms of cultural capital. As a result they are excluded from the legal profession, no matter how great their intellect.¹⁶¹

Drawing on the work of Bourdieu, Ashley and Empson argue for the importance of social capital, human capital, what they call ‘reputational capital’, alongside two types of cultural capital (embodied and institutional), and offer specific examples of these various forms of capital.¹⁶² ‘These forms of capital enable these [top] law firms to present an ‘upmarket’ image and therefore verify their claims to knowledge, which is otherwise ambiguous’.¹⁶³ This minimises the perceived risk to the PSF brand. Building on the work of scholars who have argued for the pervasive nature of ‘othering’ in the professional occupations and how this can create homogeneity,¹⁶⁴ Ashley and Empson infer that elite firms’ continued recruitment from top UK universities may be explained by their ‘fear of contamination’.¹⁶⁵ Such elitism shapes the recruitment of trainees in top London law firms.

Much like Cook et al., Ashley and Empson draw heavily on Bourdieusian theory, however they offer a much more contextual approach, presenting a discursive discussion of the theorisation of social class and analysis of conceptualisations of capital. Their chronological account goes back to Marx’s delineation of

¹⁵⁸ Ibid., p. 220

¹⁵⁹ Ibid., p. 221, referring to Mats Alvesson, ‘Organizations as Rhetoric: Knowledge-Intensive Firms and the Struggle with Ambiguity’, *Journal of Management Studies*, 1993, Vol. 30, Iss. 6, pp. 997-1015.

¹⁶⁰ Ibid., p. 225 quoting Mats Alvesson, ‘Knowledge Work: Ambiguity, Image and Identity’, *Human Relations*, 2011, Vol. 54, Iss. 78, pp. 863-886, p. 867.

¹⁶¹ Ibid., p. 221, referring to Bourdieu, 1986.

¹⁶² Ibid., p. 231. For specific examples see Table 2: ‘Illustration of data analysis process and results’.

¹⁶³ Ibid., p. 237.

¹⁶⁴ Ibid., p. 225.

¹⁶⁵ Ibid., p. 225 referring to Laura Empson, ‘Fear of Exploitation and Fear of Contamination: Impediments to Knowledge Transfer in Mergers between Professional Service Firms’, *Human Relations*, 2001, Vol. 54, Iss. 7 pp. 839-862.

bourgeois capitalists and proletarian workers and the dualism of the ‘class in itself’ and the ‘class for itself’.¹⁶⁶ They draw on the work of Skeggs to explain how social class and cultural capital functions:

Bourdieu’s theory offers a route to understanding social class which is not determined solely by socio-economic position. However, though ownership of the various forms of capital is not seen as a direct expression of an individual’s ‘class’ position, its possession is in part related to one’s own occupation and to that of one’s parents.¹⁶⁷

Ashely and Empson illustrate the impact of these elitist ideologies, basing their analysis on a qualitative study of diversity and practice at six top law firms in the UK, including Magic Circle and Silver Circle as well as what they describe as ‘second tier’ firms. Their data set comprises 174 interviewees at mainly international firms, and offers direct examples of discrimination within these PSFs.¹⁶⁸ Although the ‘project is theorized by Bourdieu as taking place largely at the level of deep structure’, the authors argue for surface-level and blatant discriminatory practices.¹⁶⁹ These are particularly evident on entry to the labour market, when different forms of capital are used to determine candidates’ worth and suitability. Ashely and Empson suggest that the PSFs involved may be ‘excluding valuable talent’.¹⁷⁰ They conclude, they state that ‘aspirational firms’ ability to discriminate on the basis of social class [is] not only a competitive project but one that is also pursued consciously’.¹⁷¹ This presents a sophisticated re-fashioning of Bourdieusian theory, and an evocative argument against capital-based prejudice in ‘aspirational’ law firms. This makes for a compelling conceptualisation of the Class Question, however, the issue of gender is still undeniably absent from this account of diversity and inclusion within the UK legal services sector.

Sommerlad’s analysis of class, diversity, equity and inclusion presents a distinctly feminist argument which illustrates the importance of the discourse of merit and the ways in which ‘social magic’ operates within the legal profession to discriminate against women.¹⁷² Using historical documents and other qualitative studies as her main source of data, Sommerlad offers a chronological account of how ‘[a]s an *idea* merit was

¹⁶⁶ Ibid., p. 221. For further reference see Karl Marx, and Friedrich Engels, *The German Ideology* (Vol. 1. International Publishers Co, 1970); Karl Marx, *Das Kapital*, (Kerala: DC Books, 2008). See also Max Weber, *The Protestant Ethic and the Spirit of Capitalism*, (New York: Charles Scribner's Sons, 1958).

¹⁶⁷ Ibid., p. 221-222. Beverley Skeggs, *Formations of Class & Gender: Becoming Respectable*, (London: Sage, 1999).

¹⁶⁸ One silver circle firm in the study was in fact a national firm. See Ashely and Empson, p. 227, See Table 1: ‘Description of the case study firms’.

¹⁶⁹ Ibid., p. 238.

¹⁷⁰ Ibid., p. 239.

¹⁷¹ Ibid., p. 238.

¹⁷² Hilary Sommerlad, Sommerlad, Hilary, ‘The ‘Social Magic of Merit: Diversity, Equity, and Inclusion in The English and Welsh Legal Profession’, *Fordham Law Review*, 2015, Vol. 83, Iss. 5, pp. 2325-2345.

a central building block in the formation of the modern legal profession'.¹⁷³ Historical and outmoded notions of 'social respectability and gentlemanliness' became embedded in the legal profession's discourse of merit:

[o]nce the meaning of professional merit had been standardized in the form of the gentleman, the grounds of inclusion/exclusion became relatively uncontroversial: the construction of the professional institutions within the parameters of white, patriarchal-capitalism in nineteenth-century Britain made it inevitable that they largely were limited to privileged white males.¹⁷⁴

After World War II, the profession shifted its focus on diversity and equality, yet 'the hegemony of the free markets as the organizing principle of the late modern society had led to merit's fetishization'.¹⁷⁵ Yet of course, the legal profession does not provide a level playing field for everyone. In Sommerlad's deeply evocative and extremely historical account of exclusion, she simultaneously tackles issues of gender alongside those of race and class diversity whilst arguing for the 'fluid, contingent, and instrumental character of merit'.¹⁷⁶ She proposes that '[l]ike all spheres of social life, market behaviour is in practice governed by a range of conventions and codes', which are shaped by constructions and conceptualisations of merit.¹⁷⁷ Drawing from Bourdieu she states that '[a]s a result, professional excellence is "charged with masculine implications"'.¹⁷⁸ This is illuminated in an account from one of Sommerlad's interviewees; a female solicitor observes that within her PSF it is 'difficult to establish your "merit" if you don't drink and don't have the same background so it's difficult for you to do the small talk'.¹⁷⁹ As these bonding practices are crucial to success, merit is fetishized, masculinised and almost becomes 'magical'.

In a sense, Sommerlad's stance chimes with the arguments put forward by Cook et al. as well as those made by Ashely and Empson; indeed her theoretical influences are namely Bourdieu. Yet Sommerlad uses the notion of cultural capital to a much lesser extent – rather, the concept of merit is the main focus. Though she does not use the terminology of 'habitus', 'field' and 'doxa' in her analysis, she does quote Bourdieu to

¹⁷³ Ibid., p 2346. Sommerlad's italics.

¹⁷⁴ Ibid., p. 2336.

¹⁷⁵ Ibid., p. 2346.

¹⁷⁶ Ibid., p. 2347.

¹⁷⁷ Ibid., p. 2347 referring to Daria Roitmayr, 'Deconstructing the Distinction Between Bias and Merit', *California Law Review*, 1997, pp. 1449-1507.

¹⁷⁸ Ibid., p. 2347 citing Pierre. Bourdieu, *Masculine Domination*, (Stanford: Stanford University Press), 2001, p. 62. Sommerlad states in a footnote that 'Bourdieu's conceptualisation of a dynamic social order entails revealing the contingency of a culture's products; a consistent theme of his work, therefore, it is the need to expose the "false eternalization" of social structures that produced them', p. 2347.

¹⁷⁹ Ibid., p. 2346.

illustrate her own argument: '[t]he particularity of the dominant is that they are in a position to ensure that their particular way of being is recognized as universal'.¹⁸⁰ In the context of the legal profession, the 'dominant' are the male authorities, who perpetuate a concept of merit which is presented as a normalised, believable, 'true' account of what makes an employee valuable to the firm. However, as Sommerlad argues:

[the] ascription of merit with subjective, hierarchally based social bias [...] works to reproduce the hegemony of white, upper middle-class males, while the common sense understanding of it as objective enables it to perform the social magic of legitimizing these results of systemic privilege as justly deserved.¹⁸¹

Here Sommerlad coins the term 'social magic', which although she does not describe in absolute terms, operates as a metaphor throughout her article to allude to the ethereal and elusive way in which merit operates. Sommerlad's use of 'social magic' is useful to the upcoming project of analysing gender within the provincial PSF, as she gives a detailed and sophisticated illustration of how ideologies of professionalism and merit sustain the legal profession's appeal and simultaneously re-produce boundaries for women. Concepts of 'cultural capital', 'merit', and 'social magic' are potentially useful to this thesis, and could begin to develop theories of the glass ceiling (i.e. the institutional and structural barriers that hinder career progression). However, the literature discussed so far does not fully address the Women's Question that is so central to this thesis, namely: *why, when the amount of women has increased exponentially over recent years, do the number of women and the top remain so low?*

2.3 Female Representation and the Trickle-Up Fallacy.

Pinnington and Sandberg specifically ask 'why such a high proportion of men remain equity partners despite the increase of women lawyers in PSFs'.¹⁸² They work from the well-established premise that the probability of men reaching the highest echelons of the career ladder – i.e. making partner – is significantly higher for

¹⁸⁰ Ibid., p. 2346-2347 referring to Bourdieu, *Masculine Domination*.

¹⁸¹ Ibid., p. 2347.

¹⁸² Ashly Pinnington and Jörgen Sandberg, 'Lawyers' Professional Careers: Increasing Women's Inclusion in the Partnership of Law Firms', *Gender, Work and Organization*, Vol. 20, No. 6, pp. 616-631, p. 616.

men than it is for women.¹⁸³ Indeed, in the USA although 60 % of attorneys are lawyers are women, only 15 – 17 % of equity partners are female.¹⁸⁴ Similarly, in Australia more women than men are graduating from law school than ever before and yet still only 13 - 15 % of women lawyers make equity partner.¹⁸⁵ The authors argue that there is ‘a noticeable gap in the literature on gender’ and a ‘lack of rich description and theoretical explanation of how men and women professionals collaboratively construct the limited inclusion of women’.¹⁸⁶ Their empirical case study of a large full-service international law firm in Australia involves qualitative interviews with solely corporate lawyers in three office locations (Sydney, Melbourne and Brisbane) and investigates the gendered differences in men and women’s understandings of their professional careers, and the extent to which professionals’ conceptualisation of their career advancement affects the reality of their career pathways. Their research finds that women had limited opportunities for promotion to partner within the PSF.¹⁸⁷ The reasons for this were partly structural; the firm had grown through a number of domestic mergers in recent years, and this impacted the probability of ‘making it’ to the equity ‘partnership pool’. Furthermore, the authors noted that gender differences in ‘human capital rewards’ was commonly cited amongst interviewees.

According to Pinnington and Sandberg, family commitments have a huge impact on career progression within the PSF. The most notable drawback for women is the way in which the equity partner role is understood by men and women lawyers as frequently requiring the individual to privilege professional work commitments over family responsibilities. Women struggled to reconcile to two, whereas men did not:

[i]t was apparent that while male interviewees recognized the difficulties of combining work and family, they did not express a desire to spend more time with their families and presumed this usually be the greater role responsibility of the female lawyers.¹⁸⁸

The authors argue that these gendered differences in approaches to parenting means that women are often held back for promotion to leadership roles. Men are presumed to be more eligible for senior positions as they

¹⁸³ Ibid., p. 617 referring to John Heinz, *Urban Lawyers: The New Social Structure of the Bar*, (Chicago: University of Chicago Press, 2005).

¹⁸⁴ Pinnington and Sandberg, p. 616

¹⁸⁵ Ibid., p.616.

¹⁸⁶ Ibid., p. 617.

¹⁸⁷ Ibid., p. 626.

¹⁸⁸ Ibid., p. 627.

allegedly have a lesser desire to dedicate time to family commitments and are thus more available for working long hours and pour their emotional energy into their professional work. As the authors note, the firm culture did not ‘attend to issues of diversity, including the class ceiling for women’.¹⁸⁹ Although men were willing to empathise with women’s ‘dilemma’ they were not ‘especially proactive for change to PSF work organization and careers’.¹⁹⁰ This lack of gender awareness, alongside the gendered conceptualisation of men and women’s professional and private roles, causes the legal firm to reproduce a male-dominated culture.

Subscribing to a similar feminist argument, Bacik and Drew look specifically at the work/life balance in the legal profession, paying particular attention what they call the ‘double day’ that many women encounter.¹⁹¹ The ‘double day’ encapsulates the dual responsibilities of paid work at the law firm, and unpaid care in the home, and afflicts and affects women disproportionately to men. According to Bacik and Drew, establishing equilibrium between professional career and domestic or maternal responsibilities were commonly cited as the biggest problems for the female lawyers. In particular, those who were working mothers had ongoing issues with childcare arrangements. Intriguingly, those who were not yet mothers suffered the stigma attached to maternity leave. Drawing on anecdotal evidence, Bacik and Drew demonstrate institutional inequality in the form of gender discrimination at one legal firm:

[o]ne woman recalled being the first in her firm to take maternity leave some years previously and being told by a male partner “I don’t know why we employ women; they go off and have babies”.¹⁹²

Such sentiments from various patriarchs and senior partners show a culture which disregards women’s rights to maternity leave. Motherhood is presented as ‘problem’ and thus becomes one of the main obstacles in women’s pathway to success. The authors find, however, that although parenthood invariably presents problems for women, that this is perceived as an inevitable struggle, a symptom of a legal career. Many interviewees believed that ultimately the onus falls on the individual to ‘pick’ either family life or work – or

¹⁸⁹ Ibid., p. 628.

¹⁹⁰ Ibid., p. 628.

¹⁹¹ Ivana Bacik and Eileen Drew, ‘Struggling with Juggling: Gender and Work/Life balance in the Legal Professions’, *Women's Studies International Forum*, 2006, Vol. 29, Iss., pp. 136–146, p. 138. This gives a response rate of 23%. The authors state that the statistical analysis was based on Pearson’s chi-square test. Further data was collected through mixed and single sex focus groups.

¹⁹² Bacik and Drew, p. 142.

simply struggle to juggle. For example, one woman states: ‘if you don’t like the work, your family will take priority’.¹⁹³ This quotation infers that prioritising parental responsibilities proves a dislike for legal services work, whilst the ‘true’ or ‘natural’ lawyer will dedicate themselves to the job. This offers interesting insight into how concepts of professionalism may affect employee attitudes, and how the weight of a family and personal life can contribute to the creation of segmentation and stratification within the legal profession.

Whilst Bacik and Drew’s argument about parenthood is extremely relevant to this thesis, it is – much like Pinnington and Sandberg’s study – limited by the geographical and methodological focus of its empirical research. The authors base all of their analysis specifically on the Irish lawyer’s survey; a study which collected quantitative data in the form of a mailed questionnaire issued to 3422 recipients for self-completion, consisting in total of 788 legal professionals ‘including 32 judges, 518 solicitors, 220 barristers, and 18 other legal professionals.’ Bacik and Drew’s mixed methods use of qualitative and quantitative data offers a coherent and credible picture of patriarchal practice taking place within legal firms, though it is very limited to the case of Ireland. Furthermore, it does not fully develop a sophisticated theoretical argument which truly examines the intricacies of segmentation or stratification within the legal profession. Similarly, Pinnington and Sandberg’s study solely examines Australia, and is perhaps even more limited in scope than Bacik and Drew’s as it only concerns the cities of Sydney, Melbourne and Brisbane, and considers only corporate lawyers in the three office locations. Corporate law is a very masculine dominated area, in which it is arguably less surprising that women struggle to progress within the occupational hierarchy. The glass ceiling may not be as thick in a different area of law, for example family law, in which responsibilities are assumed to be less. In analyses of the incidence of segmentation and stratification within the legal profession ‘research into the effect of gender upon legal careers tends to show that family law in particular emerges as a particular area of specialisation for women.’¹⁹⁴ Whilst women and notably mothers flock to these allegedly family-friendly areas, the well-paid sectors of the profession such as corporate and tax attract men, as the hours are long and the culture is seemingly more ‘masculine’. Whilst this may well be the case, there is arguably a lack of systematic analysis at a structural and organisational level of the PSF that backs up these claims. There is also a lack of specific examples of women being held back from leadership roles in both in Pinnington and

¹⁹³ Ibid., 141.

¹⁹⁴ Pinnington and Sandberg., p. 137.

Sandberg's, and in Bacik and Drew's studies. Furthermore, the issues of part-time work are not fully addressed, and the interlinked topics of billable hours and presentism get no mention. There is no specificity in detail to the ways in which time, money, travel, and gendered conceptualisations of professionalism play a part in the complexity of peoples' careers. Notwithstanding these limitations, such feminist-inspired literature makes huge gains into understanding women's collective 'failure' penetrate the partnership pool in significant numbers.

The low representation of women at the top is not simply attributable to the issue of parenting, but also to the masculinist nature of the PSF culture. In Sommerlad's aforementioned work, she demonstrates how traditional 'homosocial bonding practices' such as sporting and drinking activates 'establish men's merit with other men and generally support[s] the naturalization of white male authority'.¹⁹⁵ In a similar line of argument, Bacik and Drew note that masculine cultures within the legal profession may serve to create sort of 'fraternal contact' of socialising after hours, sporting activities and other gendered activities which create important networking opportunities for men.¹⁹⁶ Scholars Jack and Crowley Jack have even gone so far as state that excelling in sports is so important to progression to partnership that sportsmanship is the first stage of pre-law training.¹⁹⁷ This link between sporting prowess and career progression is identified as a particular problem for women. The 'homosocial bonding' process arguably creates a 'fraternal contract' which values 'masculine' qualities and competencies, rewarding men over their female counterparts. Women are not included or not invited. This macho-culture – alongside the fact that women are assumed to undertake the majority of the childcare – is often held up as the reason why women don't climb the occupation hierarchy within the legal profession.

So far we have looked at various accounts of why inequality exists within the legal profession – some concerning class, some concerning gender. In line with Pinnington and Sandberg I would argue that the literature on women and the legal profession 'can be roughly subdivided into 'offering three types of explanation for the disproportionate representation of men at equity partner level':

¹⁹⁵ Sommerlad., p. 2325.

¹⁹⁶ Ibid., 137. See Carole Pateman, *The Sexual Contract*, (Oxford: Blackwell: 1988).

¹⁹⁷ Rand Jack and Dana Crowley Jack, *Moral Vision and Professional Decisions: The Changing Values of Women and Men Lawyers*, (Cambridge: Cambridge University Press, 1989), here I paraphrase the authors. See also Jack and Crowley Jack, 'Women Lawyers: Archetype and Alternatives', *Fordham Law Revue*, 1988, Vol. 57, p. 933.

- 1) Micro and macro processes of social production,
- 2) Organisational restructuring in the professions,
- 3) Gender discrimination in society.¹⁹⁸

Within the first stream of research, arguments revolve around gendered difference in organisational power, human capital rewards and career advancement.¹⁹⁹ Within the second stream, scholars claim that (in traditional professions) various processes of organizational restructuring favour men over women.²⁰⁰ The third stream of research argues that inequality is a result of wider gender discrimination within labour markets and professional organisations, i.e. society.²⁰¹ Though these various literatures provide valid explanations for the problem in female participation within the legal profession, there is a lack of analysis of the way gender and identity coalesce to present a picture of professionalism in the PSF. As we have seen, appearing ‘professional’ is embroiled in the amount of cultural capital a legal professional may have, and the merit they may accrue for carrying out their legal services work. Yet the labouring body on which all these qualities are ascribed to is almost absent from the literature. Here I turn to Haynes, who offers a discussion of female lawyers which is very engaged in Bourdieu’s theories of the body as a bearer of symbolic power. I also discuss McDowell’s *Capital Culture* which analyses the working lives of male and female bankers, and is inspired by both Butlerian concepts of performativity and Foucauldian notions of power and resistance. Both arguments foreground the importance of the labouring body and the ways in which gendered notions of professionalism are created and projected upon the canvas of the corporeal body.

¹⁹⁸ p. 616. Note that these subdivisions offer ‘no hard and fast distinctions’, as the authors state.

¹⁹⁹ p. 617 See also Ronit Dinovitzer and Garth G. Bryant, ‘Lawyer Satisfaction in the Process of Structuring Legal Careers’, *Law & Society Review*, 2007, Vol. 41, Iss. 1, pp. 1-50; Jo Dixon and Carroll Seron, ‘Stratification in the Legal Profession: Sex, Sector, and Salary’, *Law & Society Review*, 1995, Vol. 381.

²⁰⁰ Ibid., p. 617, here Pinnington and Sanberg give the example of Stephen Ackroyd and Daniel Muzio, ‘The Reconstructed Professional Firm Explaining Change in English Legal Practices’, *Organization Studies*, 2007, Vol. 28, Iss. 5, pp. 1-19.

²⁰¹ Ibid., p. 617 here Pinnington and Sandberg refer to Barbara F. Reskin and Catherine E. Ross, ‘Jobs, Authority, and Earnings among Managers the Continuing Significance of Sex’, *Work and Occupations*, 1992, Vol. 19, Iss. 4, pp. 342-365.

2.4. The Body and Professional Identity Formation.

Haynes notes that ‘little is known about the combined relationship of gender, identity and the body in professions and professional service firms’,²⁰² and argues that ‘the physical body is an important facet to professionalism’.²⁰³ She looks specifically at women in accounting and law, examining the ‘professional identity formation’ of employees, which particular attention to embodiment and physical image.²⁰⁴ She draws from an international study of law firms in both the UK and US which

explores the perceptions, experiences and professional identities of women practitioners; examining how the identity of the professional is inscribed on the physical body; and considers the role of the professional services firm in defining, controlling and legitimizing professional body image.²⁰⁵

Within the empirical work carried out, Haynes considers dress, demeanour and weight to examine how the *body* shapes an individuals’ experience at work.²⁰⁶ Drawing on Bourdieu’s concepts of capital ‘to explore how physical capital is implicated in processes of socialization, subordination and control’,²⁰⁷ Haynes recognises that Pierre Bourdieu of course did not provide a ‘detailed account of gendered orientations to the body’, however, she carefully extends his insights ‘to encompass gender and a form of gendered physical capital.’²⁰⁸ This helps her flesh out her analysis and discussion of the impact of embodied practices at work. She argues that her conceptualisation of the body as central to the acquisition of status and distinction all relates back to Bourdieu in that ‘the body is a bearer of symbolic power, through its form of physical capital, and in its ‘embodied states, as modes of speech, accent, style, beauty and so forth’.²⁰⁹

Haynes deconstructs the concepts of masculinity and femininity within the context of professionalism, taking particular attention to embodiment:

²⁰² Katheryn Haynes, ‘Body Beautiful? Gender, Identity and the Body in Professional Services Firms’, *Gender, Work and Organization*, 2012, Vol. 19, Iss. 5, pp. 489 -507, p. 490.

²⁰³ *Ibid.*, p. 490.

²⁰⁴ *Ibid.*, p. 489.

²⁰⁵ *Ibid.*, p. 490.

²⁰⁶ The comparisons and contrasts with McDowell’s work here are clear, as I shall discuss later.

²⁰⁷ *Ibid.*, P. 489.

²⁰⁸ *Ibid.*, p. 490.

²⁰⁹ *Ibid.*, p. 501, referring to Bourdieu, 1984, p. 243.

[t]he elusive and ephemeral professional demeanour that encapsulates body language, manner and speech may have different sets of performative criteria for men and women, so that what is regarded as professional for a man may be regarded as too masculine for a woman.²¹⁰

She argues that legal services sector employees have stock criteria which constitutes ‘professional’ in the eyes of the PSF. These guidelines are of course highly gendered. For a woman to be assertive, strong and embody attributes which would enhance her ‘professionalism’, she would thus somehow supposedly lose her femininity and become ‘too masculine’. Haynes articulates the problem using Bourdieusian terminology: ‘if only certain forms of embodied identities are regarded as legitimate, there are serious implications for cultural, social and physical capital and for the careers and identities of individuals.’²¹¹ This chimes with the argument McDowell makes in *Capital Culture* regarding what constitutes ‘acceptable’ professional identities.²¹² Drawing on interviews bankers, traders, dealers, analysts, and corporate financiers, McDowell highlights the ways in which workplace personas are often very limited. Women are confined to three categories on the trading floor: matron, mistress and honorary man.²¹³ Being tough, tenacious, and even aggressive is considered necessary in order to succeed in the industry. Women are perceived not to have the ‘natural’ qualities of a good banker. ‘The view that women lack the necessary attributes of a successful trader, dealer or salesman was widespread in the essentialist reading of human nature’ McDowell states.²¹⁴ Female employees are thus not rewarded as highly as their male counterparts. McDowell’s analysis of ‘appropriate’ and ‘legitimate’ masculinities and femininities highlights the gendering of workplace identities in a way that is similar to that offered by Haynes as she analyses the ways in which banking culture defines the meaning of ‘professional’ via a framework of rigid femininities and masculinities – making it easier for men to naturally embody the ‘true’ characteristics of a successful, strong and assertive banker.

McDowell offers an almost anthropological analysis of the ways in which gender and power are constructed in the workplace, truly stressing the symbolic significance of the City. In her analysis of the City of London’s landscape, McDowell analyses the ostentatious nature of the Victorian buildings and banking dynasties headquarters, as well as the imposing presence of the Stock Exchange, gentlemen’s clubs, and

¹⁶⁰ Ibid., p. 501.

²¹¹ Ibid., p. 504.

²¹² McDowell, *Capital Culture*, p. 174.

²¹³ As similar argument is put forward by Jack and Crowley Jack in the previously mentioned paper ‘Women Lawyers: Archetype and Alternatives’.

²¹⁴ McDowell, p. 175.

coffee houses. The social and symbolic meaning of the urban landscape is of particular importance to McDowell; all levels of ‘size’ of space combine and coalesce to take on significant and symbolic meanings. Such is underscored in this localised description of a trading floor:

[L]ike a medieval fair, the exchange is a dual site – a market place, a site of commercial exchanges, in which goods from national and international markets are traded, but also a site of pleasure, unconnected to the ‘real’ world and standards of normal behaviour.²¹⁵

McDowell’s description evokes the idea of a stage, on which employees are not puppets, but actors. In this carnivalesque, hyperbolic, theatrical atmosphere there is creation of something sumptuous and almost sensual; this is a ‘site of pleasure’ in which the masculinity and femininity are performed. The duality and parallelism of the trading floor makes the masquerade possible, and indeed pleasurable. This analysis of workplace geographies takes the art and architecture of the City and seeks to understand how these sprawling urban spaces shape the working everyday lives of employees. Notably, this highlights the historical embeddedness of the construction of masculinity in the City. McDowell explains ‘[c]orporate finance is an essentially serious world in contrast to the frivolity and carnival atmosphere of the markets’.²¹⁶ This ‘serious world’ is where the traditional image of the merchant banker lies; the sober, sombre, rational individual, from an elite stratum of society. It is a place where the ‘patriarch’ sells advice on investment strategies, arranges loans for businesses, assists with mergers and acquisitions. Yet with the ‘Big Bang’ of 1986, the profession opened up to a new type of banker who was not so upright or upper class; ‘[t]hese men, who have been recruited since the Big Bang, present a different type of masculinity – that of a slick young pretender or prince’ as opposed to the original traditional blue-blooded patriarchs.²¹⁷ These young men, according to McDowell, are ever-more aware of the ‘inseparability of their bodily performance from the product being sold’.²¹⁸ As she notes, male employees practice bodily maintenance, grooming, fashionable dress, and they are all strikingly similar in their work-place appearance. Self-improvement is rewarded whilst lack of it is punished; such is harshly apparent in McDowell’s account of a man who is mocked and disrespected at work

²¹⁵ Ibid., p. 167.

²¹⁶ Ibid., p. 182.

²¹⁷ Ibid., p. 185.

²¹⁸ Ibid., p. 186.

for being overweight.²¹⁹ In *Capital Culture*, we see thus see how male workplace identity – having undergone major changes from the patriarch to the ‘prince’ – has now come under close scrutiny in the City.

In her dual-approach to analysing both masculinity and femininity, McDowell argues that women feel exposed on trading floors under the watchful, scrutinous gaze of masculine eyes. Women are often subjected to practical jokes, lewd behaviour, verbal and non-verbal gestures, jokes and harassing behaviour. This sexual discrimination and sexual harassment prompts them to undertake performances at work; to build up a barrier from which they can shelter themselves against the masculinist and sexist culture:

[m]any women not only explicitly used the language of performance to describe everyday social interaction in the workplace, but also suggested that their workplace persona was unreal. They talked about ‘building up a shell’ [...] It seemed that many of the women who I interviewed held onto an essentialist notion of a unitary self and were troubled by what they saw as their falsehoods at work.²²⁰

Women thus kept their ‘real’ and ‘true’ feminine personality hidden, performing a ‘workplace persona’ and type of ‘professionalism’ that they believed to be acceptable. Such analysis within *Capital Culture* potentially draws on a Butlerian conceptualisation of performativity, as I shall discuss in the following section of this chapter. Here, it is simply worth noting that whilst McDowell and Haynes use different theoretical basis’ for their arguments, the sentiments are much the same: that women in ‘elite’ and ‘masculine’ professions (i.e. law and banking) are unable to secure equal access to status and career progression due to the gendering of workplace roles and what is deemed acceptable, legitimate, and professional within the PSF. Often, this is linked to the masculinist culture of the PSF, the undervaluing of women’s work, and the sexualisation of their bodies.

Here we see begin to see potential overlaps between the theoretical underpinnings offered by Butler, Foucault and Bourdieu. As McDowell herself notes in her expansive discussion of feminist geography scholarship on women’s work, ‘these studies draw on two connected sets of theoretical arguments’; the first being Foucault’s ‘insistence that the body is an in scripted surface’ and the second being the controversial post-structuralist work of Judith Butler.²²¹ Of course Haynes is not included here, however Haynes

²¹⁹ Ibid., p. 188.

²²⁰ Ibid., p. 200.

²²¹ Ibid., p. 201. For further reference see Michel Foucault, *Power/Knowledge* (New York: Pantheon 1980); *The History of Sexuality Vol. 1: The Will to Knowledge*, (London: Penguin, 1998); *The Order of Things* (New York: Pantheon,

sophisticated re-fashioning of Bourdieu's notion of capital shows how the gendered body of the legal professional is imbued with meaning in terms of capital, status and affirmation. Similarly, Cook, Faulconbridge and Muzio use Bourdieu, and the language of 'doxa', 'field' and 'habitus' into their paper in attempt to explain the issue of social exclusivity, the analysis only references the R&S processes, and the way in which new 'recruits' to City firms are expected to 'fit' the mould; the language of Bourdieu is injected into the analysis but the true meaning of cultural or human capital in the legal sector, and the acquisition of status and power is not assessed. The 'doxa' of the delineation of what an attractive candidate is the only unit of analysis – anything further down the career pathway is left unearthed. Moreover, the authors give only a passing nod to the issue of gender, and thus totally overlook half of the legal profession's employees. What Haynes shows is that although there is 'little is known about the combined relationship of gender, identity and the body in professions and professional service firms', there is potential for processes of professional identity formation to shape career, and Bourdieu's theoretical concepts are useful for examining these processes.²²² This said, Haynes does not elaborate on her discussion to develop an argument on the ways in which gendered workplace identities may construct or obstruct career advancement to partnership. Indeed, the embodied issues or 'embodiment' of a sort delineated here may affect career progression to the highest echelons in ways which have yet to be full understood. Yet when placed against the work of Pinnington and Sanberg for example, Haynes' paper raises interesting questions for the types of gendered personal attributes and embodied experiences which may affect lawyers probability of 'making partner'.

1973). For Judith's Butler's see: *Gender Trouble*, (London: Routledge, 2002); *Undoing Gender*, (London: Psychology Press, 2004).

²²² Ibid., p. 490

2.5 Feminist Theory and Foucauldian Working Bodies.

Using case studies and ethnographies, *Working Bodies* develops an argument to show how social relations, sexuality, performance, appearance – the aesthetic and the embodied – all shape employment experiences.²²³ McDowell's analyses are heavily influenced by a feminist re-appropriation of Foucault's notion of inscription, which is evident throughout the text:

embodied attributes such as sex and gender, skin colour, age, weight and accent are increasingly important at both ends of the job spectrum, at the top as well as at the bottom end, as ideas about the appropriateness and suitability for different types of work are mapped onto the diverse characteristics of workers.²²⁴

In these exchanges a groomed, trimmed, tamed and toned, sexually desirable body [...] the capacity for continual *self-discipline* and improvement are a significant aspect of the employment relationship.²²⁵

The mapping metaphor in the first quotation is a clear example of the way in which McDowell's work is heavily interpolated by a feminist reading or reappropriation of Foucauldian theory in that she implies the body is a text of workplace culture. An example of this is apparent in the rich description of fashion sales staff. Here we see an analysis of the way in which the female employee is practicing self-discipline with regards to her body – her presentation, physique, dress and sexuality. The employers' and customers' all-encompassing gaze ignites a heightened sense of bodily awareness within the employee that informs, and potentially overshadows, the enjoyment of the woman's working life. The fashion industry within which she works has, in a sense, become the Panopticon, the prison in which the worker has become a subject of self-discipline and self-regulation. The Foucauldian influence here is luminous; her engagement with bio-politics heavily informs her way of conceptualising the gendered body at work.²²⁶

²²³ Linda McDowell, *Working Bodies: Interactive Service Employment and Workplace Identities*, Vol. 61 (New Jersey: John Wiley & Sons, 2011). Case studies are drawn from disparate sources (mainly from UK workplaces, though also as well as from the USA).

²²⁴ *Ibid.*, p. 48

²²⁵ *Ibid.*, p. 57, my emphasis.

²²⁶ For further reading see Thomas Lemke, 'Foucault, Governmentality and Critique', *Rethinking Marxism*, Vol. 4, Iss. 3, pp. 49-64.

In *Working Bodies* McDowell places workers' identities at the focal point, resulting in particularly rich qualitative research into interactive service work which is comparable to *Capital Culture*, but which arguably builds on conceptualisations and theorisations of the body in a much more sophisticated fashion. Firstly, *Working Bodies* uses a 'smaller and more local spatial scale than geographers are used to' in order to analyse gendered workplace identities, the aim of which is

to bring a geographical and sociological perspective together. Although the focus is the workplace – be it an individual home, the street, a shop or a hospital – through this lens, the changing national and international spatial divisions of labour that produce increasingly diverse workforces in the cities of western economies are also revealed.²²⁷

This type of perspective is relevant to the upcoming project of analysing the provincial legal firm and the various ways in which gender power dynamics may shape employment experiences. The fusion of the geographical and sociological perspectives is a relevant way to approach a study that is concerned with both gender and geography. Furthermore, the Foucauldian influence is discussed in a detailed and discursive way; unlike the various applications of Butlerian-inspired theory in *Capital Culture* regarding performativity, in *Working Bodies* each theoretical influence is articulated in full. In particular, the re-application of Foucauldian theory is particularly relevant to the case of the legal profession as legal bodies are highly regulated in the strict culture of the PSF. Therefore, using *Capital Culture* to consider the 'elite' nature of the legal profession, and extending Butlerian theories of performativity alongside Foucauldian theory put forward in *Working Bodies* may offer a sophisticated and applicable way of approaching the provincial PSF. Evidentially, in the context of analysing pay, progression, professionalism, performativity and parenting, the body is an important facet, and turning to feminist geographers offers a plethora of theoretical tools.

Needless to say, McDowell is not the first feminist scholar inspired by a Foucauldian-inspired theorisation of the body, although she may have been the first feminist scholar to apply his theoretical concepts in such a way. Sandra Lee Bartky's seminal work *Femininity and Domination* posits a distinctly Foucauldian politics of the body, also drawing on the work of Karl Marx to elucidate how capitalism and

²²⁷ Linda McDowell, *Working Bodies*, p. 1.

patriarchy are intertwined.²²⁸ Using Foucault's analogy of the Panopticon to demonstrate how internalisation of 'the gaze' can produce an obsession with physical appearance, she states:

[t]he woman who checks her make-up half a dozen times a day to see if her foundation has caked or her mascara run, who worries that the wind or rain may spoil her hairdo has become just as surely as the inmate of the Panopticon, a self-policing subject, a self-committed to a relentless self-surveillance.²²⁹

This use of the Panopticon analogy offers useful conceptual tool for understanding the self-policing a self-scrutinizing subject – and one which is distinctly similar to the previously mentioned quote from McDowell. Bartky argues specifically against capitalist and patriarchal pressures which coerce women into expensive, time-consuming beauty practices as a means by which to keep them psychologically and socially subordinate. One consequence of such oppression is an estrangement from the body; Bartky argues this by constructing an argument which modifies and elaborates on Marx's theory of alienation, stating that orthodox Marxism has failed to outline the specificity of the female experience, and assessing the extent to which Marx's theory of alienation applies to women. Accordingly, she argues that '[w]omen undergo a special sort of fragmentation and loss of being *as* women: [w]omen suffer modes of alienation which are absent from Marx's account'.²³⁰ Such is evident in the case of sexual alienation; 'just as workers can be alienated from labour, so can women be estranged from their own sexuality'.²³¹ It is suggested that, rather than experiencing the body as a source of pleasure, the body becomes a source of distress, shame and anxiety. The experience of bodily estrangement is a mode of psychological oppression which is 'dehumanizing and depersonalizing, it attacks the person in their personhood'.²³²

In a more nuanced approach, feminist scholar Susan Bordo believes that '[w]ithin a Foucauldian framework, power and pleasure do not cancel each other'.²³³ Thus whilst embarking on body and beauty regimes can still generate feelings of satisfaction and pleasure, women (and increasingly men) can

²²⁸ Sandra Lee Bartky, *Femininity and Domination: Studies in the Phenomenology of Oppression*, (New York and London: Routledge, 1990).

²²⁹ *Ibid.*, p. 80.

²³⁰ Bartky, p. 34. As Bartky notes, Marx's concept of alienation has two core features: the fragmentation of the human person and to a prohibition to exercise human functions. See Karl Marx, 'Estranged Labor' in *The Economic and Philosophic Manuscripts of 1844* (New York: International Publishers, 1964), p. 110.

²³¹ Bartky, p. 35. Here Bartky states that sexual alienation itself is a larger alienation from the body.

²³² *Ibid.*, p. 36.

²³³ Susan Bordo *Unbearable Weight: Feminism, Western Culture and the Body*, (California: University of California, 1993), p. 27.

paradoxically experience feelings of pain or shame. The very fact that this causes simultaneous and conflicting embodied states makes the body a site of struggle. Much like Bartky and indeed McDowell, Bordo works from a distinctly Foucauldian perspective, describing the body as a site of struggle, referring to what Foucault called the ‘direct grip’ that culture has on the body.²³⁴ Importantly, as Bordo rightly notes is worth recognising that

neither Foucault nor any other post-structuralist thinker discovered or invented the idea [...] that the “definition and shaping” of the body is “the focal point for struggles over the shape of power.” That was discovered by feminism, and long before it entered into its marriage with poststructuralist thought.²³⁵

Indeed, the iconic Mary Wollstonecraft quote from *A Vindication for the Rights of Women* states:

[g]enteel women are, literally speaking, slaves to their bodies, and glory in their subjection ... women are everywhere in this deplorable state Taught from their infancy that beauty is woman’s sceptre, the mind shapes itself to the body, and, roaming round its gilt cage, only seeks to adorn its prison.²³⁶

However, Foucauldian arguments are useful in order to extend feminist thinking regarding the ways in which men and women’s working bodies are shaped by the workplace. Via the vast proliferation of images, values and cultural beliefs, working bodies become homogenised, and thus normalised. Bordo shows as much in her description of the body not only as a *text* of culture [...] but a *practical*, direct locus of social control.²³⁷ Potentially, we could consider the PSF to have a direct grip on the labouring body. Such a theoretical conceptualisation may offer a way to approach an analysis of the legal services worker, and may help to understand the performance of masculinity and femininity, the presentation of ‘professionalism’ and the ‘selling’ of the body in this profession.

²³⁴ Ibid., p. 16.

²³⁵ Ibid., p 4-8.

²³⁶ Ibid., p. 18 quoting Mary Wollstonecraft, ‘A Vindication of the Rights of Woman: With Strictures on Political and Moral Subjects’ in Alice S. Rossi, *The Feminist Papers: From Adams to de Beauvoir*, (UPNE, 1973), pp. 55-57. Wollstonecraft originally published her essay in 1792.

²³⁷ Bordo, p. 165, authors italics. Note that Bordo recognises that anthropologist Pierre Bourdieu and philosopher Michel Foucault have argued this also.

2.6 Butler and Performativity.

Moving from examples of a Foucauldian-inspired feminist politics of the body to a Butlerian one, it is worth returning to the work of McDowell once again to consider the way in which many feminist scholars have considered the performative facet of gendered identity. As McDowell states herself, she uses the facet of Butlerian theory which focuses on the ways in which the ‘provisional status of identity which is performative, constructed within language and discourse’.²³⁸ In the following example, her academic affiliations are clear:

gendered identities are never singular nor fixed but fluid and complex, often contradictory, reiterative and performative, and so made and remade in social relations in the workplace. Masculinity and femininity are mutually but also multiply constituted, variable and relationally constructed, rather than being a categorically separate an unvarying binary division. Although gendered identities are context dependant and temporally specific they are nevertheless, as Butler insists, always inextricably embedded and produced within dominant representations of heterosexuality in western societies.²³⁹

Here a close re-working of Butlerian theory which allows McDowell to later utilise concepts of ‘masquerade’ and ‘performativity’ via a sympathetic and quite sophisticated re-appropriation of the post-structuralist theory in question here. What is particularly interesting is the reference to Butler’s theory of heterosexuality and the allusion to the concept of the Heterosexual Matrix – one which has not yet been employed by feminist geographers. Later, McDowell herself states that ‘[a]dopting Butler’s notion of the heterosexual matrix in analyses of the production of ‘appropriate’ working bodies thus allows interesting questions about employment practices to be addressed.’²⁴⁰ This is an extremely relevant point – especially in regards to the masculinist culture of law firms which has been discussed in literature regarding elite culture of City law firms. From the perspective of a feminist economic geographer studying segmentation and stratification, a re-appropriation of Butlerian theory could indeed be very useful. Here, it is important to revisit the original text and ascertain which specific aspects of Butlerian theory may be applicable to a study of gender and the legal services sector.

²³⁸ McDowell, *Working Bodies*, p. 55.

²³⁹ *Ibid.*, p. 55

²⁴⁰ *Ibid.*, p. 56.

Gender Trouble, first published in 1990, was – and in many ways still is – a defining text for poststructuralist feminist debates on the body.²⁴¹ Infamously in the text, Butler makes two main contentious claims; firstly, that both sex and gender are constructed. This argument went way beyond current theorisation at the time, which still hinged on the essentialist/constructionist debates and notions of Cartesian dualism. Unsurprisingly, the assertion that the body itself - and especially the distinction between the two sexes - was socially constructed was met with harsh criticism. The sex/gender aspect of Butler's argument laid the groundwork for her second controversial claim – that gender is performative, it is not something you *are*, but something you *do*. It is argued that gender is a repetition of stylised acts, and that due to the ritualized nature of their production, they become normalised, creating the illusion of substance, perceived as the internal or innate sexuality. *Performativity* as a paradigm is the most important part of Butler's work to this thesis. In the following sections I would like to discuss the implications and finer details of this concept in more detail. The very notion of a performative gender seems shrouded in confusion and controversy; in the field of feminist theory, power, parody, pastiche, sexuality and anxiety in Butlerian theory all seem *troubling* concepts. Thus here the aim is to unpack these two strands of Butler's argument and to consequently un-trouble *Gender Trouble*. From here, we can then delineate how useful application of performativity may be to the study of gender in the legal profession.

Firstly, it is worth re-visiting the premise of 'performativity', that is, the sex/gender divide. From the very onset of chapter one of *Gender Trouble*, Butler seeks to radically reconceptualise how we understand sex, gender and the subject. She does this first not by *contextualising* her argument within the existing literature, but contesting existing and emerging literature; she places herself very much outside of the framework of feminist theory. Set against the opening infamous quote from Simone de Beauvoir '[o]ne is not born a woman, but rather becomes one', Butler begins by stating that '[f]or the most part, feminist theory has assumed that there is some existing identity'.²⁴² She attempts to destabilise this category of woman by arguing that 'gender is not always constituted coherently or consistently in different historical contexts', and thus 'it becomes impossible to separate out "gender" from the political and cultural intersections in which it is

²⁴¹ Judith Butler, *Gender Trouble*, (London: Routledge, 1990).

²⁴² *Ibid.*, p. 1.

invariably produced and maintained'.²⁴³ Hand-in-hand with Butler's contestation of this fixity of gender is the interlinked distrust she has for the 'fictive universality of the structure of domination [said] to produce women's common subjugated experience'.²⁴⁴ In this vein, she argues:

[a]lthough the claim of universal patriarchy no longer enjoys the kind of credibility it once did, the notion of a generally shared conception of "women", the corollary to that framework, has been much more difficult to displace'.²⁴⁵

Butler contests this notion of "women", thus opposing the conceptualisation of a seamless, unified group or 'category of woman'. She argues that '[f]eminist critique ought to explore the totalizing claims of a masculinist signifying economy, but also remain self-critical with respect to the totalizing gestures of feminism'.²⁴⁶ Here, we see a distinctly post-structuralist argument take place. Furthermore, Butler uses a style of address which distances her theory and 'philosophy' from what she sees to be an extremely outmoded feminist theory of binary dualisms.

The sex/gender dichotomy is not a simple split, Butler argues: "sex" is not a pre-given, to which "gender" is the social interpretation or cultural inscription. '[G]ender is not to culture as sex is to nature; gender is also the discursive/cultural means by which a "sexed nature" or a "natural sex" is produced and established as "prediscursive", prior to culture, a politically neutral surface *on which* culture acts'.²⁴⁷ To Butler, thus, the body is not a surface awaiting inscription or signification, but a set of boundaries which house the production of 'gender'. Gender is fabricated and created, through a 'repeated stylization of the body, a set of repeated acts within a highly rigid regulatory frame that congeal over time to produce the appearance of substance, of a natural sort of being'.²⁴⁸ This 'highly rigid' frame is definable as the 'heterosexual matrix'. This phrase is coined by Butler to explain '[t]he cultural matrix through which gender identity has become intelligible', that is 'discrete and asymmetrical oppositions between "feminine" and "masculine"' which are 'understood as expressive attributes of "male" and "female"'.²⁴⁹ This, argues Butler, causes a 'heterosexualization of desire' which dictates that 'certain kinds of "identities" cannot "exist", that

²⁴³ Ibid., p. 3.

²⁴⁴ Ibid., p. 4.

²⁴⁵ Ibid., p. 4.

²⁴⁶ Ibid., p. 13.

²⁴⁷ Ibid., p.7.

²⁴⁸ Ibid., p. 33.

²⁴⁹ Ibid., p. 17.

is, those in which gender does not follow from sex and those in which the practices of desire do not “follow” from either sex or gender’.²⁵⁰ Butler’s aim is thus to radically reconceptualise the sex/gender binary and in doing so, coins a number of words and phrases which have since been adopted by countless academics; notably ‘performativity’ and ‘heterosexual matrix’. However, there are various pitfalls as Lise Nelson argues; many scholars have injected a Butlerian language of performativity into their work without fully understanding the conceptual consequences.²⁵¹

2.7 The Pitfalls of Performativity.

In her paper ‘Bodies (and Spaces) do Matter’, Nelson looks at the increasing popularity of a re-appropriation of Judith Butler’s theory of performativity amongst feminist and post-structuralist geographers who examine ‘intersections of gender, sexuality, ethnicity, space and place’.²⁵² From the onset, Nelson boldly states that ‘most geographers have read and deployed performativity uncritically; in ways that both foreclose an interrogation of its more problematic aspects and constrain their own analyses’.²⁵³ Nelson sees a serious problem with the way geographers speak the language of Butler: ‘many geographers enthusiastically use the language of performativity without regard to its limitations [m]oreover, by not reading performativity critically, they inject an undertheorised notion of agency into their work.’²⁵⁴ To give credibility to this claim, Nelson uses several key examples.²⁵⁵ Firstly, an article by David Bell, Jon Binnie, Julia Cream & Jill Valentine which is very much an example of an epistemological shift within feminist theory, and demonstrates well how performativity was first taken up within geography. Secondly, Nelson looks at the subfield of economic geography with particular attention to Linda McDowell & Gil Court’s article ‘Performing Work: Bodily Representations in Merchant Banks’ which ‘examine[s] the performance of

²⁵⁰ Ibid., p. 17.

²⁵¹ Lise Nelson, ‘Bodies (and Spaces) do Matter: The Limits of Performativity’, *Gender, Place and Culture*, 1999, Vol. 6, No. 4, pp. 331-353, p. 331, referring to McDowell & Court, 1994.

²⁵² Ibid., p. 331.

²⁵³ Ibid., p. 331-332.

²⁵⁴ Ibid., p. 332.

²⁵⁵ See also Sara Mills, ‘Colonial Domestic Space’, *Culture, Theory and Critique*, 1996, Vol. 39, Iss. 1. 1, pp. 46-60.

gendered identities within the finance industry' and argues 'that the figures of the 'prince' and the 'princess', as gendered bodily performances, became scripted in the shift towards a globalized finance industry'.²⁵⁶ Whilst I will focus mainly on McDowell and Court's paper, it is worth noting that Nelson draws on other examples also, such as Nancy Duncan's collection *Body Space*, which includes articles by Kathleen Kirby and also Joanne Sharp.²⁵⁷ Here, she argues that '[d]espite frequent recourse to Butler's work and the language of performativity, none of the contributors to *Body Space* takes a critical look at it'.²⁵⁸

Nelson begins to build her argument by critiquing the poor application of Butler's work amongst geographers, namely looking at the ways in which scholars deploy the language of performativity, or use Butlerian to frame their work without appreciating or recognising the complexities of such a project:

[g]eographers are in a good position to theorize identity formation as an iterative process, but one produced through a *recursive* relationship between power/discourse and critically reflexive, geographically embedded subjects. [...] Unfortunately, most geographers to date have limited their ability to make such a contribution by overlooking, or even misreading, the implications of 'performativity' in their theorizing of subjectivity, identity and space'.²⁵⁹

For Nelson, the main issue of contention seems to be the slippery meaning of agency in the analytical framework of many theorists. Take for example her critique of Bell et al., in which she makes a very valid point:

by not explicitly critiquing Butler, or theorizing agency or subjectivity in relation to a performative, processual understanding of identity, Bell *et al.* do not consistently flesh out how agency and intentionality shape the origins or effects of the performances they analyse.²⁶⁰

Nelson dubs McDowell and Court's article as a prime example of the 'pitfalls of performativity'.²⁶¹ She claims that the authors have totally misread Butler's theory of performativity; '[b]y implying an active subject that 'constructs' and 'fabricates', McDowell & Court smuggle into the notion of performativity a *doer*

²⁵⁶ Nielson, p. 334, referring to Linda McDowell and Gill Court, 'Performing Work: Bodily Representations in Merchant Banks', *Environment and Planning-part D-Society and Space*, 1994, Vol. 12, Iss. 6, pp. 727-750.

²⁵⁷ Nancy Duncan, *BodySpace: Destabilizing Geographies of Gender and Sexuality*, (London: Psychology Press, 1996); Kathleen M Kirby, *Indifferent Boundaries: Spatial Concepts of Human Subjectivity*, (Guildford: Guilford Press, 1996); Joanne R. Sharp, "A feminist engagement with national identity" in *Bodyspace*, p. 97.

²⁵⁸ Nielson., p. 336.

²⁵⁹ *Ibid.*, p. 341.

²⁶⁰ *Ibid.*, p. 343.

²⁶¹ *Ibid.*, p. 344.

behind the deed.²⁶² Here, Nelson makes a very valid point, which really highlights the complexity of the issue of agency, and the pitfalls of injecting an under-theorised notion of performativity into academic work.

What makes Nelson's argument so compelling is that she develops her line of inquiry to go beyond an analysis of the problematic application of the theory of performativity by other scholars, and actually extends her argument to examine Butlerian theory itself:

[f]or Bell *et al.* and McDowell & Court, their uncritical adoption of performativity reduces the explanatory power of the research that each article sets out to do: both explicitly seek to contextualize performances, tie them to time, space and human subjects. But in order to do that it is important to explicitly reformulate Butler's ontology of the subject, which forecloses questions of agency and spatial-temporal change, without rejecting her more insightful understandings of identity as non-foundational and processual.²⁶³

Here we see a sophisticated argument that begins to develop what other scholars such as Nash have conceptualised as the project of 'opening up' a feminist politics on the body to one that is sympathetic to performativity whilst also being rigorously informed by space and place, (i.e. society, culture and history). As Nelson identifies, carelessly applying a post-structuralist feminist theory of the body (here 'performativity') narrows the scope of geographic inquiry. Indeed, '[u]ncritically and loosely drawing on the language of performativity – or deploying merely as an academic *bon mot* – limits our ability to explore the complex dynamics between identity, space and change.'²⁶⁴ Nelson thus seeks to free up a notion of identity as 'iterative, non-foundational process *in relation to* intentional human practice, concepts central to much of geographic inquiry'.²⁶⁵ The way she does this is by going straight to the source of the problem and analysing Butlerian theory.

Nelson states that Butler's 'preoccupation' with the moment of subjectification, as well as her 'determination to deconstruct the notion of a unified, autonomous subject leads her to foreclose the 'resistance and the historical/geographical embeddedness of identity performance'.²⁶⁶ This reading of Butler leads Nelson to the crux of her academic argument; that is, that 'Butler sets up a dichotomy between the subject as a node in the discursive matrix [...] against a notion of subjectivity as transparent and whole

²⁶² Ibid., p. 344.

²⁶³ Ibid., p. 347.

²⁶⁴ Ibid., p. 351.

²⁶⁵ Ibid., p. 333.

²⁶⁶ Ibid., p. 336.

[...]’²⁶⁷, and that ‘[g]eographers who draw on the language of performativity often do not explicitly address this dichotomy’, and that ‘[i]n doing so, geographers narrow their capacity to examine resistance/negotiation and change within particular historical and geographical situations’.²⁶⁸ Nelson adds gravitas to this argument with a thorough re-visiting of *Gender Trouble*, in which her unrestrained admiration for the work of Butler can be seen in such quotes as: ‘Butler brilliantly reveals the masculinist and heterosexist assumptions (pre-discursive foundations) within popular post-structural psychoanalytic perspectives.’²⁶⁹ Nelson goes on to discuss Butler’s work in a synoptic fashion, looking at *Bodies that Matter*, a text which really elaborates and refines the very notion of performativity set out in *Gender Trouble*. Here Nelson notes that that subjectivity and agency are problematic, even for Butler: ‘[i]nterestingly, within *Bodies that Matter*, Butler herself runs up against the limits of her own theory’.²⁷⁰ Nelson states that she ‘hope[s] to demonstrate that while Butler effectively debunks the notion of a fixed identity, and autonomous agency, she cannot seem to escape the spectre of critical consciousness within subjects.’²⁷¹ So, ‘[w]ho is this ‘one’ who ‘reworks’?’ asks Nelson.²⁷² Whilst the answer is somewhat enigmatic, Nelson seeks to re-theorise identity and subjectivity in ways which bridge this gap, in an attempt not to ‘fix’ the problem, but to stay true to Butlerian theory; in short, we must see identity as something that is ‘done *over and over* instead of something that is an *inherent* characteristic’, then ‘performativity opens up a new terrain of analysis’.²⁷³

The most important point thing for Nelson is to locate these reiterative performances in place and time. Potentially, this perspective is very relevant to the project ahead; of analysing the gendered subject in the provincial PSF. What is of utmost importance is to *locate* the subjects of this Butlerian (and potentially Foucauldian) analysis in specific spaces and places. Evidentially, once we have defined, debunked and deconstructed the key components of Butlerian theories, and located them in space and time, it becomes clear that such a perspective offers a relevant, sophisticated way of perceiving human behaviours and gendered performances – specifically those acted out at work. The need to locate the legal body becomes ever-more

²⁶⁷ Ibid., p. 336.

²⁶⁸ Ibid., p. 336, authors italics.

²⁶⁹ Ibid., p. 337.

²⁷⁰ Ibid., p. 340.

²⁷¹ Ibid., p. 340.

²⁷² Ibid., p. 340.

²⁷³ Ibid., p. 339, authors italics.

crucial to the upcoming project of analysing *gender in practice* within provincial law firms. Here, I turn to an interesting paper by Sally Weller, in which she questions the inherently ‘local’ nature of LLMs. This paper is particularly useful to the forthcoming empirical work, as it takes an in-depth look at spatiality, segmentation and scale.

2.8 LLMs: Locating the Legal Body.

Weller questions ‘geography’s faith in the inherently ‘local’ construction of labour markets’ and asks if LLMs are necessarily ‘local’, drawing on recent debates ‘about scale to approach the geography of labour markets from a dynamic perspective sensitive to the spatiality and scale of labour market restructuring’.²⁷⁴ Weller looks specifically at the process of job relocation after a mass redundancy at a major Australian airline Ansett Airlines to highlight the ‘multidimensional and multiscale nature’ of LLMs.²⁷⁵ She argues that there exist multiple labour markets, as opposed to one locally embedded labour market which is sub-divided into segmented labour markets.²⁷⁶ In this line of argument, Weller demonstrates how some workers may find themselves displaced:

many found themselves stranded at the intersection of three overlapping and differently spatialised occupational labour markets; specialised occupational labour markets; the divided structure of the ‘dual’ labour market [...] and the limited available in territorially defined local markets.²⁷⁷

Because of the size of Ansett Airlines, Weller argues that the collapse of the organisation ‘triggered a shift in the scale and scope of aviation labour markets’.²⁷⁸ This dynamic transformation has a huge impact on the workers, and their inevitable relocation. The paper’s central contention is that ‘thinking about labour markets

²⁷⁴ Sally A. Weller, ‘Are Labour Markets Necessarily ‘Local’? Spatiality, Segmentation and Scale’, *Urban Studies*, 2008, Vol. 45, Iss. 11, pp. 2203 -2223, p. 2203.

²⁷⁵ Ibid. 2203. Ansett Airlines was a full-service airline employing 16, 000 people. This equated to approximately a third of the national aviation industry workforce. For further details see Weller, table 1 on p. 220

²⁷⁶ Ibid., p. 2203, here I paraphrase.

²⁷⁷ Ibid., p. 2204. For further discussions which are relevant to Weller’s argument see Peter Doeringer and Michael J. Piore, *Internal Labor markets and Manpower Adjustment*, (New York: DC Heath and Company, 1971); Neil Brenner and Nik Theodore, *Cities and the Geographies of “Actually Existing Neoliberalism”*, (London: Blackwell, 2002), pp. 349-379.

²⁷⁸ Weller., p. 2204.

as ‘local’ phenomena constrains rather than enhances our capacity to understand their dynamic transformations’.²⁷⁹ Held up against the recent transformations to the legal services labour market, this paper becomes extremely relevant, and thus a full discussion of the study is useful here.

Weller begins by reviewing the tradition within geographical studies which conceptualise labour markets to be an inherently local phenomenon ‘defined territorially by employer catchments, journey-to-work boundaries or administratively defined neighbourhoods’.²⁸⁰ Within this field of work, the ‘local’ focus is often reinforced, for example by ‘the spatially limited extent of labour-related information flows’ or the ‘place-entrapment of disadvantaged segments of workforce’.²⁸¹ In fact the ‘direct correspondence between localities and the local labour markets holds well for spatially entrapped workers, especially the low-skilled’²⁸² and those with domestic responsibilities such as childcare.²⁸³ ‘It also applies convincingly in the case of highly mobile workers, such as the skilled elites who gravitate to urban locations’.²⁸⁴ However, Weller argues the theoretical significance of these labour market theories can be questioned. She notes that:

[n]eo-classical economics creates an essentially spatial account: it assumes that labour markets operate in the same way as commodity markets, wherein the forces of supply and demand equilibrate through wage bids and where mobility between sectors, occupations and places is unfettered by institutional constraints.²⁸⁵

On the other hand, institutional approaches look at the ways in which labour markets have place-specific articulations.²⁸⁶ From this alternative viewpoint, social and cultural variations produce local, regional and national distinctions. Yet, as Weller notes, from both neo-classical and institutional frameworks, ‘the coherence of the idea of a ‘local’ market is undermined by its division into sub-segments’.²⁸⁷ As Weller argues, ‘[t]hese partitions act to limit workers’ mobility and channel groups of workers into near-inescapable career pathways’, when actually ‘markets’ segmentations are specific representations of the capital-labour

²⁷⁹ Ibid., p. 2204.

²⁸⁰ Ibid., p. 2204.

²⁸¹ Ibid., p. 2204.

²⁸² Ibid., p. 2204.

²⁸³ Ibid., p. 2204.

²⁸⁴ Ibid., p. 2204.

²⁸⁵ Ibid., p. 2205.

²⁸⁶ Ibid., p. 2205.

²⁸⁷ Ibid., p. 2205.

relationship and can play out at a variety of interdependent scales'.²⁸⁸ Correspondingly, Weller's empirical work aims to highlight the multiscaled and multidimensional nature of the 'local' labour market.

Weller's paper draws on data from a five-year longitudinal study in which she gauged the post-retrenchment careers of Ansett Airlines employees. With a maximum variation sample, Weller looks at the working lives of various different people in different places and occupations. She constructs 'detailed month-by-month labour market histories' for each participant.²⁸⁹ Following this, detailed interviews explore the participants' workplace experiences. Weller explains that the paper focuses specifically on the 'reorganisation of aviation labour markets in the first two years of Ansett's failure'.²⁹⁰ When she looked at recruitment practices, she found in male-dominated occupations such as pilots and engineers, 'employers favoured national or international search and selection mechanisms'.²⁹¹ On the other hand, in female-dominated occupations such as flight-attendants and customer service work, 'attained skills were often less important to employers than personal attributes' thus 'recruitment was managed at the urban scale and favoured young inexperienced recruits who could be acculturated to firm-based norms'.²⁹² Intriguingly, the latter finding chimes with the aforementioned study from Haynes in which she analyses the R&S processes in City of London law firms, and the way in which new 'recruits' are expected to 'fit' the mould. However, rather than develop a gender-focused argument, what Weller does is extend her discussion on scale, spatiality and the workers' social networks.

Weller found that that 'Ansett-based social networks frequently smoothed the path to re-employment in the secure, primary-sector jobs'.²⁹⁴ Networking and snowballing could assist an individual with finding long-term employment; whether these networks are gendered remains unclear, however, Weller does uncover that some younger women perceived their unexpected career break 'as a catalyst to starting a family'.²⁹⁵ For example, she states that after Ansett's collapse, most workers 'made a decision about their willingness to

²⁸⁸ Ibid., p. 2205

²⁸⁹ Ibid., p. 2208.

²⁹⁰ Ibid., p. 2208.

²⁹¹ Ibid., p. 2211-12.

²⁹² Ibid., p. 2212.

²⁹⁴ Ibid., p. 2215.

²⁹⁵ Ibid., p. 2217.

relocate fairly early in their job search, prior to encountering any actual job offers'.²⁹⁶ These decisions often reflected domestic circumstances: '[m]ature women generally were unwilling to relocate for employment reasons'.²⁹⁷ Aspirations, attitudes and values inevitably had an impact of the labour market; following the collapse of the airline, the labour market was flooded by workers with dependent children, who were often forced to take any job that they could get. 'Previous career trajectories bonded workers to specific labour market spaces defined by their previous work histories'.²⁹⁸ Many workers wished to return to the aviation field, yet their networks and loyalties to Ansett hindered them from moving back into the industry.

This paper is particularly useful to the upcoming project as Weller questions the inherently 'localness' of LLMs, which may be applicable to the study of local law firms. Weller concludes:

[i]f recruitment is the crucial mechanism through which labour markets reconfigure, and if recruitment practices can be established at a range of sites and scales depending on the employer preferences and the relationship between supply and demand across industries, then labour market processes are not necessarily 'intrinsically local'.²⁹⁹

As it indicated by Haynes paper on the R&S processes of Capital law firms, these organisations seek candidates from a wide range of locations. It could be the case that the processes created by recruitment drives such as these create 'multiple, interdependent but essentially separate markets for each sub-group' within the legal services sector.³⁰⁰ To consider the 'local' labour market as *not necessarily local* may be extremely relevant to the study of non-capital law firms. Taking from Weller the ways in which there are various processes which 'produce labour markets as scaled, dynamic, socially constructed and based on uneven power relations' as it enables us to begin to conceptualise how *legal* labour markets may not be territorially defined and limited.³⁰¹ So how can we best conceptualise the complex dynamics between power, LLMs, institutional control, gender and the likelihood of success in the PSF? What mode of analysis can we use? Here, I turn to a rather different school of thought than has yet been discussed: non-representational theory and the focus on embodied experience, with particular reference to the work of Nancy Ettliger.

²⁹⁶ Ibid., p. 2216.

²⁹⁷ Ibid., p. 2216.

²⁹⁸ Ibid., p. 2220.

²⁹⁹ Ibid., p. 2220.

³⁰⁰ Ibid., p. 2220. Here I quote Weller to elucidate my own point.

³⁰¹ Ibid., p. 2220.

2.9 Networks, Practices and Interactions.

Ettlinger's non-representational geography develops a relational and microspace framework for analysing social interaction, with particular attention to the effect on 'decision making, behaviour and performance in collaborative work'.³⁰² As Ettlinger notes at the onset of her paper, economic geographers have been very interested in changes to the practices of work, be it changes to knowledge structures, or changes to working conditions. Born from the various macro changes brought about by 'the new economy', including the 'increasing collaboration amongst people and organizations', Ettlinger notes that there are some 'nagging intangibles' which require critical attention.³⁰³ The purpose of her paper is to address these issues, and thus she names two main topics: enhanced competitiveness and workers' rights. With regards to the former, as she notes, 'collaborative competition is particularly (although not exclusively) critical when manufacturing or services firms must respond to *customized* demand'.³⁰⁴ Regarding the latter, Ettlinger notes that the 'new labour internationalism' requires improved and inclusive strategies to assist coalitions between workers.³⁰⁵ She uses macro level issues such as these to frame the smaller, substantive changes that take place at the organisational level. Focused specifically on the *bottom-up* process, she argues that this particular type of process is key to increased competitiveness, and the various different changes this brings about. To my mind, this theoretical lens is very useful to a study of the legal services sector, and the sorts of increased competitiveness which have come about in recent years.

The reason why this methodological viewpoint is useful to the case of the legal profession and promotional opportunities is because Ettlinger takes an approach which is both relational and microspace; allowing one to move between various modes and units of analysis. She states that '[i]t is relational because I am concerned with the spaces of interaction among people and nodes (workplaces) in the networks of social

³⁰² Nancy Ettlinger, 'Cultural Economic Geography and a Relational and Microspace Approach to Trusts, Rationalities, Networks, and Change in Collaborative Workplaces', *Journal of Economic Geography*, 2003, Vol. 3, Iss. 2, pp. 145-171, p. 145.

³⁰³ *Ibid.*, p. 145.

³⁰⁴ *Ibid.*, p. 146.

³⁰⁵ *Ibid.*, p. 166.

interaction. The microspace draws attention to the people.³⁰⁶ The simultaneous use of these two approaches indicates an epistemological approach. As Ettlenger notes, ‘a microspace approach is consistent with the concept of *relational capital*’.³⁰⁷ Such similarities are evident in that this approach focuses on feelings and emotions which result from the ‘close *inter-personal* interaction among people in different networks’.³⁰⁸ Ettlenger develops her argument to draw from literature more commonly consistent with social capital, by focuses specifically on trust, which she believes there to be two types: emotive trust and capacity trust. Ettlenger’s conceptual concerns are to do with the interconnections between people’s ‘universes of interaction’ to the ‘interpersonal relations that may engender any one of a number of logistics or rationalities’.³⁰⁹ This offers a lens to be able to critically analyse and understand workplace behaviour. As she notes, a focus on the interpersonal coincides and co-exists with a focus on the inter-organisational; ‘I highlight connections between formal organization and public spheres with informal organization and private spheres.’³¹⁰ Ettlenger’s relational economic geography looks at people and places, public and private spheres, and seeks to understand the patterns within - this is why her work is so useful to the project of the provincial PSF and the ways in which local legal labour markets may work.

Ettlenger’s work is particularly useful as she attempts to really extend relational thinking. She does this by simultaneously developing a network approach and a microspace approach’.³¹¹ Whilst the ‘relational’ aspect of her work looks at people and networks, the microspace dimension focuses on the nodes, the people and their *universes of interaction*.³¹² Her analysis is thus not fixed to one particular unit of production but has the freedom and fluidity to move between two; to look at interpersonal and interactions. Such an approach ‘permits analysis of inter-organizational relations through the lens of people and their universes of interaction’.³¹³ She considers the sphere of work as overlapping with other public and private domains; that behaviours blur the boundaries between ‘worlds’. For the purpose of this thesis, such an approach is very useful as it does not subscribe to a parochial perspective which focuses on just ‘one unit’ of production – the

³⁰⁶ Ibid., p. 146.

³⁰⁷ Ibid., p. 147.

³⁰⁸ Ibid., p. 146, my italics.

³⁰⁹ Ibid., p. 146.

³¹⁰ Ibid., p. 147.

³¹¹ Ibid., p. 166.

³¹² Ibid, p. 166.

³¹³ Ibid., p. 166.

PSF – but moves between different firms, and even different cities, to understand how the interactions between lawyers and their clients may be informed by shared realities and rationalities. Ettliger’s work does not look specifically at gender; this is undeniably a stumbling block when it comes to the upcoming project of analysing gender in the workplace, and one which I shall address in the next chapter. Notwithstanding this issue, such non-representation theorisation takes in the significance of place and space whilst not being bound by certain ‘organising principles’; ‘[u]nderstanding interpersonal interactions and their significance entails recognizing multiple rationalities associated with different spheres of life, and further, recognizing the overlap of individuals’ networks.’³¹⁴

2.10 A Summative Discussion of the Literature.

The aim of this chapter has been to open up a dialogue around some of the key literatures which inform the theorisation of the legal labouring boy within this thesis. In this review we have seen that for feminist geographers and labour market theorists, the rise of the interactive services industry has provided a particular focal point over the last thirty years. This is a well-placed focus considering that a high proportion of the UK workforce is currently employed in knowledge-intensive sectors. However, considering the breadth and scope of the literature within human geography, it is surprising that scholars have largely overlooked the *legal services industry*. The few papers that do analyse gender and the legal profession fall at the fringes of feminist geography. Of those studies, only a handful mentions the importance of the body, embodiment and identity. Moreover – and this is of most importance to the feminist geographer – all papers focus is solely on City firms. In the UK, there is absolutely no empirical data regarding the ‘regional’ law firm. We thus know very little about the seemingly non-elite legal professional of the provinces, those three-fifths of legal professionals in England and Wales work in law firms located outside of the Capital of London.³¹⁵

³¹⁴ Ibid., p. 166.

³¹⁵ Law Firm, ‘Diversity Profile of the Profession’, May 2014, p. 6

Irrespective of this central paradox and problematic gap within the literature, feminist geography holds much in the way of the solid groundwork for the study ahead. *Capital Culture* and *Working Bodies* are especially pertinent to a study of legal professionals' careers because McDowell moves beyond traditional theories of male dominance of labour markets to appropriate various theories concerning embodiment, emotions and identity-formation to highlight their effects on women's engagement in the service economy. Arguably, McDowell's broad definition of interactive service work (which includes teaching, medicine, bar work, sales, beauty therapy, door-manning, boxing and banking) can be extended to include legal services work, because *embodiment* and *emotions* are of prime importance. Legal work involves a type of *interactive body work*; the way lawyers speak, behave, dress may be manipulated in order to facilitate the exchange of legal services. Furthermore, the public-facing and client-centric nature of the profession, places importance on the physical body, requiring 'body work' and 'emotional labour', requiring sympathy, empathy, tactility, diplomacy, patience - 'soft skills' and attributes that are stereotypically associated with femininity. *Capital Culture's* analysis of gendered roles, power dynamics and workplaces language within the banking sector offers a particularly useful point of reference from which to examine the legal profession; both the legal services sector and banking are industries were drastically affected by the 'Big Bang' and the vast proliferation of professional services. They are both industries in which women have typically been excluded and consequently women face some very gender-specific issues. Often 'patriarchs' or 'princes' of the industry sexualise and scrutinise female bodies and feminine identities.

According to the law-specific literatures on the labouring body, such male-dominated cultures are rife in the legal profession. Micro and macro processes of social production, organisational restructuring in the professions, gender discrimination in society – all have been shown to offer insight into the reasons why women 'fail' to advance to the higher levels of the legal profession. The various reasons offered to explain gendered segmentation and stratification are extremely useful to the forthcoming project of analysing provincial PSFs and Gendered Practice. However, these studies tend to subscribe to an outmoded feminist argument which suggests gender discrimination within society is being reflected in the labour market. We see this argument made by Bacik and Drew, as well as Pinnington and Sanberg, who point to sexist attitudes as the main reason why women are passed down for promotion to partnership opportunities. Whilst this may be

a truthful account and is indeed an important argument to make, such analyses invariably overlook the gendered differences in organisational power, personal/professional career rewards and career advancement opportunities. Moreover, they do not take into account the larger picture and assess the organisational structure of the PSF. Consequently, these law-specific literatures lack a rich and detailed account of male and female experience in PSFs which examines the true nature of how gender power dynamics operate within the workplace.

There are thus several inherent problems with the law-specific papers reviewed here. Firstly, there is little mention of place, space, or geography within the legal sector literature. The studies overviewed in this chapter looked at Australia, Ireland, and a UK-US study – all referring to large international PSFs in capital cities. Secondly, accounts of unfair gendered practice invariably focus solely on female experience in the legal profession; there are actually no comparative studies between the sexes. The faceless figure of the male legal professional looms ominously in the distance, like some patriarchal monster. Here, I believe Bordo's feminist Foucauldian approach to be extremely useful:

[f]ollowing Foucault, we must first abandon the idea of power as something possessed by one group and leveled against another; we must instead think of the network of practices, institutions, and technologies that sustain positions of dominance and subordination in a particular domain.³¹⁶

To view men (male lawyers, male partners and male decision-makers) as the enemy and the sole possessors of power within PSFs would be nonsensical. Indeed, there are various networks of practices which sustain male positions of dominance and consequently subordinate women. But how can we begin to analyse these networks of practices, these institutions and technologies? Here, the non-relational geographies of Nancy Ettliger offers a useful *modus operandi*. Ettliger proposes a technique or framework which is not fixed to one particular unit of production but has the freedom and fluidity to move between two; to look at interpersonal and interactions. Such an approach is very useful as it does not subscribe to a parochial perspective as seen in some of the existing literature, but moves between the different firms, and indeed different cities. It 'permits analysis of inter-organizational relations through the lens of people and their universes of interaction' and thus recognises that the exchanges between lawyers, colleagues and their clients

³¹⁶ Bordo, p. 167.

may be informed by shared realities and rationalities.³¹⁷ Though Ettlenger's non-representational geography is not gender-specific, it can thus be effectively be utilised for a Foucauldian-inspired feminist approach in analysing the legal services industry and can potentially be very useful to the upcoming project of analysing gender in practice within the provincial PSF.

Butlerian notions of performativity open up another mode of analysis which is also potentially very relevant to the project ahead. Firstly, the aspect of Butlerian theory that indicates that gender is always, inescapably mediated through discourse is potentially very useful to the project of analysing workplace narratives. Indeed, a workplace persona or identity is indeed gendered; certain types of 'masculine' or 'feminine' behaviours or attributes are useful to different types of jobs and in different circumstances. So the notion that gender, or indeed a gendered workplace persona is created, formulated or fabricated via a repetition of stylised acts, a way of speaking, or 'being' is particularly useful. Legal professional identity is highly gendered – and arguably 'done *over and over*' in the sense that it is reiterative. The concept of 'performativity' is thus very relevant when examining the interplay between gendered identities and notions of professionalism, especially in the context of the legal profession. To use Butler's notion of performance seems particularly relevant in the context of interviews and yearly progress reviews in the legal profession, and the ways in which many milestones to a legal career (as with many) potentially require a polished, professional type of *acting* or performance. It may illuminate which attributes are assigned or ascribed to the 'model' candidate for a promotion to partnership.

However, as we have seen, drawing heavily on Butlerian language of performativity is not without its pitfalls. As Nelson's critique of McDowell and Court's, and Bell et al.'s poor application of Butlerian theory in chapter one shows, it is dangerous to add a doer to the deed', moreover to speak of a language that may not be fully known. A vigilant eye is needed, and too often geographers have overlooked the complexities of performativity (such as intentionality). Here, the concluding remarks from Nelson are particularly pertinent:

[b]y highlighting the consequences of an indiscriminating translation of performativity into geography, I hope to contribute to ongoing discussions of how to conceptualize identity as processual, indeed as 'performative', without acceding to a problematise deconstruction of

³¹⁷ Ettlenger, p. 166.

conscious agency and subjectivity, and without abstracting ‘the subject’ from its constitution in time and space’.³¹⁸

I would argue that choice of vocabulary is perhaps one of the inherent fundamental problems with Butler’s work and the re-application of her theory of performativity being mistaken for a theory of *performance*. This is not to infer that an adoption of the word ‘processual’, to replace ‘performativity’ is a way of reshaping a feminist politics on the body for geography. Such a project is far beyond the scope of this thesis. This is merely to highlight the importance of language, and the significance of time and place. Evidentially, there are various theoretical and methodological issues and implications when applying ‘performativity’, ‘performance’ and ‘performative’ to academic work, especially when re-applying the work of another theorist *verbatim*. A rigorous level of reflectivity is needed to attempt a sophisticated application of Butlerian theory, and of course vocabulary used is definitely something that merits close attention. Yet what is of utmost importance is truly *locating the subject in time and space* – something which is extremely important to an analysis of the provincial PSF.

When considering the LLMs of Bristol and Guildford, as we shall do in the forthcoming chapter, the work of scholars such as Weller is particularly pertinent. Weller’s study facilitates a consideration of how *legal* labour markets may not in fact be territorially defined and limited. As is indicated by Haynes’ analysis of the R&S processes of Capital law firms, these organisations seek candidates from a wide range of locations. It could be the processes created by recruitment drives such as these create ‘multiple, interdependent but essentially separate markets for each sub-group’ within the legal services sector.³¹⁹ For example, family lawyers are potentially sought more in the provinces, whilst tax and corporate lawyers are more prominent in the City. The assertion in the literature is that there are pockets of the profession which are more family-friendly than others – this may go some way to explaining gendered segmentation and stratification. But is there also a geographical element? Does the provincial PSF offer a better work/life balance to that of City firms? Is the masculine-dominated culture so often cited in the literature City-specific? Essentially, is there a correlation between geography and gender? The issues raised by Weller of scale, spatiality and worker’s social networks are extremely important to the examination of gender in the

³¹⁸ Nelson, p. 351.

³¹⁹ Weller., p. 2220.

provincial PSF. Although Weller, Haynes and Cook et al. all focus on the R&S processes, and the forthcoming project focuses on a wider unit of analysis to analyse career progression the importance of locating a study in place and space remains the same. So how can we best conceptualise the complex dynamics between power, LLMs, performativity, institutional control, and gender and the likelihood of success in the PSF? What mode of analysis or method can we use? The next chapter answers these questions and lays out the methodological groundwork for the empirical study ahead.

3

METHODOLOGY.

3.1 Introducing Empirical Research.

Historically, women have been left out of geographical methodologies and indeed the type of empirical work that geographers do; this masculinist tradition is well-documented by feminist geographers.³²⁰ Arguably, the academy's inclusion of women's issues 'was one of the major achievements of the first stage of feminist geography'.³²¹ Over time, as McDowell notes

other sets of issues were placed on the agenda – about the socio-spatial relations between men and women, about, more recently, the social construction of masculinity and its variation between places, about the relationship between sexuality and residential location choices, and, more recently still, work on uncovering the differences between women as well as between women and men.³²²

In line with this work within feminist geography, the empirical research set out here aims to analyse constructions of femininity and masculinity, socio-spatial connections in the context of labour market change, and the complex dialectics between gender, and workplace identity. The research design also draws from the work of various feminist theorists outside of the field of human geography to analyse power, professionalism and the labouring body. Using a feminist Butlerian and Foucauldian approach, it analyses the culture and organisation of law firms to understand why women do not progress as far or fast as their male peers. A post-structuralist feminist approach is used to create an inclusive, interdisciplinary and insightful study which really captures the working lives of male and female lawyers.

A key limitation to the existing literature regarding the legal profession is that scholars have overlooked the lives of those living outside London; ultimately the men and women living outside of the City who are not employed at Magic and Silver Circle firms. As a result, the relationship between place, space,

³²⁰ Linda McDowell, 'Doing Gender: Feminism, Feminists and Research Methods in Human Geography', *Transactions of the Institute of British Geographers*, 1992, Vol. 17, Iss. 4, pp. 399-416.

³²¹ *Ibid.*, p. 404.

³²² *Ibid.*, p. 404.

the body and the professional service firm remains largely unstudied. The research here aims to re-address the focus on ‘elite’ professionals and introduce the lives of provincial lawyers into the scholarship. The empirical research focuses on the gendered dimensions of the legal profession. It strives to find potential explanations for the low percentage of women at the highest echelons of the legal profession, and the corresponding gender pay gap. Legal scholars have identified a whole list of reasons why women don’t ‘trickle up’, including gender discrimination and harassment, masculine models of performance or success, professional and family commitments, stereotypical assumptions about parenting and the need for homogeneity amongst employees.³²³ Yet as discussed in the previous chapter, such studies look solely at capital, predominantly look at one unit of analysis (the R&S process) and only concern only female experience. This empirical research addresses some of these central problems and paradoxes in the existing literature, importantly, taking into account the experiences of male and female lawyers, and thus analysing constructions of both male and female workplace identity side-by-side. Whilst there are inevitably complexities to researching masculinity within feminist research as many scholars have pointed out,³²⁴ there are also many accounts within feminist geography and feminist anthropology which show the success of a lens.³²⁵ Such studies provide inspiration for the dual-focus of the project ahead.

This research revolves around three key research questions, and is designed to address three central themes which have arisen from the literature review: i) place and pay, ii) progression and the ‘partnership pipeline’, iii) parenthood. The corresponding research questions are as follows:

³²³ Louise Ashley, ‘Making a difference? The Use (and Abuse) of Diversity Management at the UK’s Elite Law Firms’, *Work, Employment & Society*, Vol. 24, Iss. 4, 2010 pp. 711-727; Pinnington and Sandberg, ‘Lawyers’ Professional Careers: Increasing Women’s Inclusion in the Partnership of Law Firms’, *Gender, Work and Organization*, 2013, Vol. 20, Iss. 6, pp. 616-631, p. 628. Deirdre Anderson, Susan Vinnicombe and Val Singh, ‘Women Partners Leaving the Firm: Choice, What Choice?’, *Gender in Management: An International Journal*, Vol. 25 Iss: 3, 2010, pp. 170 - 183; Ivana Bacik and Eileen Drew, ‘Struggling with Juggling: Gender and Work/Life balance in the Legal Professions’, *Women’s Studies International Forum*, 2006, Vol. 29, Iss., pp. 136–146; Steven, Bolton and Daniel Muzio, ‘“Can’t Live With ‘Em, Can’t Live Without ‘Em”: Gendered Segmentation in the Legal Profession’, *Sociology*, 2007, Vol. 41, pp. 401 -407; Elizabeth H. Gorman, ‘Gender Stereotypes, Same-Gender Preferences, and Organizational Variation in the Hiring of Women: Evidence from Law firms’, *American Sociological Review*, 2005, Vol. 70, Iss. 4, pp. 702-728; J. Hagan and F. Kay, *Gender in Practice: A Study of Lawyers’ Lives*, (Oxford: Oxford University Press, 1995); Katheryn Haynes, ‘Body Beautiful? Gender, Identity and the Body in Professional Services Firms’, *Gender, Work and Organization*, 2012, Vol. 19, Iss. 5, pp. 489 -507; C. Menkel-Meadow, ‘Feminisation of the Legal Profession: The Comparative Sociology of Women Lawyers: Theories of Gender and Social Change’ in R. Abel, P. S. C. Lewis (eds.), *Lawyers in Society: Comparative Theories* (California: University of California Press, 1989); Jennifer L. Pierce, *Gender Trials: Emotional Lives in Contemporary Law Firms* (California: University of California Press, 1996).

³²⁴ Joyce Leyland, ‘On Conflicts of Doing Feminist Research into Masculinity’, pp. 125-133 in Liz Stanley (ed.), *Feminist Praxis: Research, Theory and Epistemology in Feminist Sociology*, (London: Routledge, 2013).

³²⁵ Linda McDowell, *Redundant Masculinities? Employment Change and White Working Class Youth*, (Oxford: Blackwell., 2003).

RQ1: What are employees' attitudes towards the location of their PSF and their salary?

RQ2: Are there gendered differences in employees' everyday experiences, perceptions of career progression and the perceived likelihood of promotion to partnership?

RQ3: How does parenthood affect the career trajectory of male and female employees?

The first research question aims to understand the significance of pay and place. As previously mentioned, male legal professionals habitually out-earn their female counterparts and in fact the legal sector has such a striking gender pay gap that it may be one of the worst-affected industries when we are considering gender and power in the interactive service sector.³²⁶ I am interested in employees' salary satisfaction, and the attitudes they have towards negotiating their salaries. This takes into account the fact that salaries are considerably less in the provinces than at top Magic and Silver Circle firms in the City. The second research question regards the perceived likelihood of career progression up to the highest ranks of the legal profession, particularly focusing on the partnership 'pipeline'. It looks into the gendered differences between male and female perceptions of their careers and the ways in which lawyers frame or narrate their aspirations and career hurdles. The third research question regards the ways in which men and women conceptualise their professional and parental responsibilities. It explores the direct experiences of maternity and paternity leave, but also about the way parenthood can affect a person's career before they have even started a family. These three main research questions form separate data chapters of this thesis; each chapter is dedicated to one research question, discussing possible readings and interpretations. This aim is to flesh out the key issues which contour the working lives of lawyers across the UK today.

During the course of this chapter, as the methods, methodologies and epistemologies are discussed in detail, key research themes concerning gender, power and place arise. Ultimately, how does gender inequality and exclusivity manifest itself within these provincial PSFs? How do gender and geography interrelate to mark the experiences of legal professionals similar or divergent from their 'elite' London peers? Does the 'local' law firm reflect the notoriously long-hours, fast-paced, client-centric, distinctively

³²⁶ The Law Society, 'Private Practice Earnings Report', May 2014. The Law Society's annual Earnings Factsheet is based on a survey of 1506 randomly selected individual practising certificate holders working in private practice, government and the in-house sector. This is a figure which continues to rise. Please note this is statistically a 'small increase on 2012's pay gap, which showed a figure of 26.7 per cent.'

masculine culture of the City elite, or are these ‘local’ firms perhaps more family or female-friendly? It is important to note that although the study ahead is geographically-situated, it does not aim to be a regionally comparative study. Rather than being a tale of two cities, it is a tracing of the professional lives of the people that work in particular places, offering a snapshot of the local legal labour markets in which they work, offering discussing instead in the differences between international and regional PSFs. It asks: How does the structure and culture of a PSF within these local labour markets affect the career progression and probability making partnership? How does it affect pay? And what are the embodied experiences of employees operating within these working environments? Whilst of course a doctoral thesis cannot offer indefinite answers, this empirical research aims to explore the un-studied provincial PSF and analyse the values, beliefs and attitudes of people working in these places. This could potentially give insight into the reasons for gender exclusivity at various other PSFs across the UK.

3.2 Location, Location, Location.

As this is the first academic study of non-capital UK law firms, location was of course of the utmost importance when designing data collection. At the onset, I decided to locate the study in the south, refining my search to cities within feasible travelling distance. This was necessary to suit a doctoral thesis based in Southampton; financial and logistical issues had to be considered carefully to ensure the data was not compromised by a lack of resources or time. To obtain a rich and detailed sample, it was crucial to use two cities – to ascertain whether results from the PSFs were regionally variable. The approach used was largely internet-based, comprising simply of making lists of law firms in local cities, with the aid of a large map in which I plotted the locations of the firms. After much deliberation, I chose to base the empirical work in Bristol and Guildford. The rationale for choosing these two locations is based on these cities’ comparably high concentration of law firms to other southern UK cities. Interestingly, most south-eastern and south-western historical cities have very few firms; take Bath and Oxford for example, which have approximately four and eight, respectively. It is notable, also, that neither of these cities have any international law firm

offices. Port cities such as Southampton and Portsmouth also interestingly have a very low concentration of national and international law firms. Bristol and Guildford came to the fore as providing a rich source of different size law firms: international, regional/national and high street.

The research into Bristol and Guildford aims to offer a snapshot of the working lives of people working in these particular places. Having such a small unit of analysis enabled a study which is designed solely to collect rich, descriptive career experiences that offer insight into the culture of legal service firms in the provinces. As discussed previously, the large scope and scale of the previous studies has meant that the explanations for gender exclusivity are often very vague, with no specific analysis of the structural and organisational levels of the PSF, or examination of how workplace cultures may serve to reproduce gender segmentation and gender stratification. Moreover, the often ‘un-local’ nature of the LLM itself is often ignored. These labour markets invariably shape everyday experiences, professional careers, and the personal lives of employees. The ways in which spatiality, segmentation, gender and geography interrelate is still to be explored by feminist geographers – especially when we consider the case of the law. This study is designed to begin to lay foundations in this field. It considers the working lives of lawyers – and indeed other interactive service workers – that live outside of London. It is important to recognise that the provincial PSF and the seeming ‘non-elite’ lawyer are very variable; these provincial Practising Certificate (PC) holders may be employed at single-office firms, part of a cluster of national firms, or even a sister office of an international firm. They may work solely in their office or perhaps with weekly or monthly commutes to another city, or the Capital. Yet they are defined and linked by their location as being *outside of London*.

Here, LLM literature is particularly useful, notably Weller’s empirical study, which highlights the multiscalar and multidimensional nature of the ‘local’ labour market. As previously mentioned, the LLMs of Bristol and Guildford may not necessarily be ‘local’ but scaled, dynamic, and socially constructed by often uneven power relations. Indeed there are many flows and interconnections between these two cities themselves, and with other cities in the UK. Furthermore, in terms of the international firms, there are often strong ties between other offices in America and Europe. Yet whilst some lawyers may indeed be very mobile, it is worth noting that there may be examples of ‘place-entrapment of disadvantaged segments of workforce’, for example women with children who are less willing to travel or relocate, have chosen a

‘family-friendly’ sector, and to live outside of London.³⁵¹ Weller’s almost feminist critique of recruitment practices inspires the approach used here. To recap, she found that female-dominated occupations such as flight-attendants and customer service work, as well as male-dominated sectors such as pilots and engineers. Such examination of the segmentations and stratifications within Ainsett as an organisation is useful when used in reference the law-specific literature on City PSFs and the ways in which women inhabit particular pockets of the legal profession. The LLM literature such as Weller’s forefronts how recruitment practices play a part in these gendered divisions. Weller also notes how younger women perceived their unexpected career break ‘as a catalyst to starting a family’.³⁵² Thus, labour market change can often prompt people’s personal decisions. This epistemology – i.e. considering the ‘local’ labour market and the R&S processes and strong forces in professional and personal lives – is extremely important to the study of non-capital law firms and is thus used to shape the approach used within this thesis.

To give a sense of the scale of these LLMs, a quick description of Bristol and Guildford’s legal services sector is useful here. There are in excess of fifty registered law firms in Bristol, although the majority would be single-office firms, and often have only a handful of PC-holders. The national and international firms are predominantly in the city centre, which includes but not limited to: Burgess Salmon LLP, Irwin Mitchell, Bond Dickinson, Slater & Gordon, Michelmores, Veale Wabrough Wizards and Thrings LLP. The international and more lucrative of the national firms are located along the A4044, and near the waterside in the area locally known as ‘Temple Quay’. This is ‘prime’ real estate with the highest footfall, as opposed to the other more quiet leafy areas towards the west of the City centre. In a comparable size, the Guildford LLM is home to over thirty law firms including Clyde & Co., RHW Solicitors, Cheyney Goulding LLP, Stevens & Bolton LLP, and Pennington Manches LLP. Guildford’s LLM is slightly more scattered than in Bristol, where there is a density in the law firms around Temple Quay. From the perspective of a human geographer, there are several other interesting social-spatial connections and contrasts which can be drawn out between the two cities’ collection of law firms. Firstly, Bristol has considerably more international firms. This could be due to the proximity of Guildford to London, and the fact that Bristol is significantly cheaper to

³⁵¹ Sally A. Weller, ‘Are Labour Markets Necessarily ‘Local’? Spatiality, Segmentation and Scale’, *Urban Studies*, 2008, Vol. 45, Iss. 11, pp. 2203 -2223, p. 2204.

³⁵² Weller., p. 2217.

rent office space. There is also a slightly larger amount of law firms – notably single office firms – in Bristol. This may also have something to do with the size and distance from London. Arguably, Bristol may offer a more independent legal labour market, whereas Guildford is perhaps more intertwined to London, due in part to its geographical proximity. Nevertheless, Guildford and Bristol are the most similar southern cities I could find when assessing the best location for the empirical study; solely because of their size and density of firms.

With these contrasts and comparisons in mind, it is important once again to reiterate that the aim of this study is simply to examine the working lives of people in these particular places; not to create a ‘tale of two cities’, or to offer a regionally comparative analysis of Surrey and Somerset, but rather, to examine the experiences of provincial legal professionals in Bristol and Guildford. The lawyers working within these LLMs are in a sense representative of many other lawyers across England and Wales; these ‘legal labourers’ of the provinces have professional lives located far from the glamour of the Magic and Silver Circle. Though these legal labourers are not defined by economic geographers as ‘elite’, they are working in one of the most elite professions, alongside bankers, management consultants, and other such interactive services workers. The aim of this research is to analyse their working lives, aspirations and attitudes, and to offer a snapshot of *gender in practice* within their profession.

3.3 Sample and Recruitment Strategy.

I carried out a qualitative study which was deliberately designed to collect a rich and descriptive sample of legal professionals regarding the topic of gender at work. Taking inspiration from similar-sized studies within the field, I conducted forty in-depth semi-structured interviews, with the aim to obtain a fifty-fifty gender split in the sample. The size of the sample was intended to be perfectly suited for qualitative accounts of men and women’s professional lives, particularly focusing on their career progression, salary satisfaction and promotion opportunities to partnership. Of course the study was not designed to measure the prevalence or incidence of gendered practices at work, but rather to be an initial investigation into *gender in practice* within provincial PSFs. The sample type was in a sense purposive, that is, as the researcher I decided which firms to

approach in order to recruit participants. The PSFs were chosen in order to obtain maximum variation in size: to have at least one international firm, one national firm and one single-office high-street firm in each city. The technique was intended not to be biased; I randomly chose firms using a map, and local listings, with the intention to achieve variety. Twelve private practice law firms of various different sizes were eventually identified: six in Bristol and six in Guildford.³⁵³

To adhere to proper ethical procedures, it was important to gain full permission of the law firms before beginning recruitment of participants. This often involved speaking to managing partners on the telephone and liaising with HR or administrative staff via email. The study was marketed to law firms as a study of ‘Lawyers Outside of London’, designed not to be deceptive but so as not to impose ideas onto participants and thus shape the data collection. The recruitment process involved several different stages:

- i) [e]stablishing communication with the twelve different law firms via formal written letters informing them briefly of my research and inviting their firm to take part.
- ii) ‘Following-up’ via email and telephone, discussing the nature of the research with gatekeepers, which was often an HR employee, depending on the size of the firm. This stage included a PDF information sheet entitled ‘Lawyers Outside of London’.
- iii) Persuading partners to give permission for me to recruit employees from their firm. This habitually involved phone and email conversations, in which I discussed ethical procedures and the like.
- iv) When permission was granted, HR or the appointed administrative staff would send an ‘invite’, which is in a sense a PDF advertisement which I had designed to attract attention amongst employees. This was circulated to PC holders via an intranet or internal mailing system.

Afterwards, individuals contacted me directly to take part in the research and we would arrange a mutually convenient time to meet for the interview. Consequently, I emailed ‘Confirmation of Participation’ letters which stated the time and date of their appointment, as well as a consent form so the individual had time to read over. The whole purpose of this meticulously organised approach was so that participants felt well-informed, and knew that they were dealing with a researcher who was professional and trustworthy. Participants habitually referred their colleagues and peers to me and recruitment ‘snowballed’ in this fashion.

³⁵³ Law Society statistics show that of the PC holders in the UK, solicitors are employed in 27,844 separate organisations of which, 25,773 (92.5%) were based in England and Wales. 86,840 (68% of solicitors holding practising certificates) worked in private practice in England and Wales; the remainder worked mainly in commerce and industry and the public sector. See The Law Society ‘Private Practice Earning Report, May 2014; ‘Trends in the Solicitors Profession’, Annual Statistical Report (ASR), April 2015; ‘Diversity Profile of the Profession’, May, 2014.

Recruitment for this research was extremely successful, especially given the time frame and the notorious ‘billable hours’ culture which makes legal professionals’ time of such a premium.

Of the twelve firms originally approached in writing, just two declined the invitation to take part and another five were unresponsive or sporadic in their communications. Five law firms gave full permission for me to seek candidates from their employee pool. These firms varied significantly in size, profitability and reputation in terms of their regional or national status. It is worth noting that there is often little distinction between a regional and national firm, and that there is a growing trend for firms to brand themselves as ‘full-service’ with both international and national clients. Broadly speaking, national law firms have offices around the country, often including a London office, whereas regional firms typically base their headquarters in a major city outside of London. With this in mind, it is intriguing that the firms in this study actually do in fact fall into quite neat categories: international/national/regional. However, it is regrettable that I was not able to recruit more PSFs of smaller sizes. This unexpected issue meant that only tentative links were drawn between both LLMs, and also between the gendered differences between the experience of employees at international and single-office law firms. The fact that recruiting smaller firms was difficult may be attributed to their lack of resources and for workers to be in the position to give up an hour of their time – this was a commonly cited reason in correspondence with such firms. Potentially, these smaller firms may have been less willing than the international and national law firms as they have a less powerful control over their public image. Speculations aside, larger firms were simply more willing to offer up their employees’ time. The success of the recruitment drive in these PSFs was due to the fact that employees had a different approach to ‘billable hours’. It would have been interesting to gain access to smaller law firms, as statistics show that women dominate high street firms; nevertheless, I believe that the lack of evidence to support interrelations between small and large law firms was not detrimental to the study, in fact focusing on larger firms enabled the issue of London experience and the allure of the Magic Circle firms come closer to the fore.

The following table offers some basic information about each firm, ranking them in size in terms of their office numbers and international presence. Pseudonyms have been used to maintain firm and – essentially – employee anonymity.

Table 1: Descriptive Information of the PSFs:

Ranking	Pseudonym	Size	Approx. no. of Employees (Incl. non-P.C holders)	No. of graduate placements per year
1	Lockhart & Co.	International firm. Offices across Belgium, France, Germany, The Netherlands, Italy, Spain, Hong Kong, various locations in the UK (including London) and USA.	1,500	20
2	Kingsley Harper	National firm. Ten UK offices including Aberdeen, London, Leeds, Plymouth and Southampton. Formal strategic alliance formed with German firm.	1,200	20
3	Fenwick & Mason	Dual-office firm; two locations in Surrey. Strong international presence though no international partner offices or exclusive arrangements with other law firms	100	3-5
4	Atwoods	Single-office firm	20	n/a
5	Mahoney & Co.	Single-office firm	15	n/a

The Bristol offices involved in this study include: Lockhart & Co., Kingsley Harper and Mahoney & Co. Starting with the most prestigious and profitable; Lockhart & Co. is an international full-service firm of over two hundred years old which ranks amongst the top thirty in law firms headquartered in the UK, often wins ‘Best Law Firm’ awards in the industry and has an annual turnover in the region of £150 million. As indicated in the above table, Lockhart & Co has offices in all of the major European economies, as well as in the US including Silicon Valley, San Francisco and New York. The architecturally impressive Bristol office at which the interviews were conducted has over two hundred employees and deals with a considerable amount the UK client base, many of whom are household names. Kingsley Harper is a ‘stone’s throw’ away,

alongside the numerous other top law firms which populate Bristol's Temple Quay. This is a middle-weight law national firm with a turnover in the region of £50 million a year. Established in the last fifty years, the firm originated in the North, and now has offices across the UK. The Bristol office hosts seventy to one hundred employees and caters predominantly to the London 'sister' office. Finally, the single-office firm Mahoney & Co; this PSF is of a much more modest stature than the other firms in this study, with only a handful of qualified solicitors and a few administrative staff. As a 'high-street firm' Mahoney & Co. caters to local businesses and moderate net-worth individuals specifically within the Bristol region.

The Guildford PSFs include Fenwick & Mason, and Atwoods – which much like the Bristol firms share close physical proximity in the local area. Fenwick & Mason is a dual-office firm which has a strong regional presence, as well as a large client base in London. Their elegant offices house approximately seventy solicitors, across twenty five legal specialisms. Interestingly, the firm boasts a nearly equal gender composition of the partnership pool. This is largely unheard of in the UK legal profession – in fact the 40-50% partnership at Fenwick & Mason is approximately twice the national average. In recent years, Fenwick & Mason have furthered their international reach, and have strong plans to expand, hence their relatively high graduate uptake considering their size. By contrast, Atwood's is a very small and less lucrative firm. With a single-office and a 'high-street' feel, the PSF has a three key fields: family law, conveyancing and wills. Originally established nearly 200 years ago in London, the firm now has a very modest stature, and considerably less local popularity than Fenwick & Mason. The office has approximately twenty, catering to London clients as well as the surrounding areas in Surrey. This various array of PSFs presents the maximum variation sample which I originally set out to achieve.

3.4 Profiles of the Participants.

The data set is comprised of interviews with solicitors employed at the aforementioned firms, the only prerequisite for eligibility being that they were PC holders at the time of participation. The number of interviewees is almost equally weighted across the two locations, with 22 participants in Bristol and 18

participants in Guildford. The gender composition is slightly weighted towards women, with 24 female participants and 16 men. The range of seniority across the sample is varied; with 7 partners, 4 senior associates and the remaining majority associates. In terms of age, the sample spans a broad range; from associates in their early twenties, to one partner six years from retirement. The duration of time interviewees have spent employed at their firm ranges from five weeks to fifteen years. In terms of the representation from the different law firms, the sample is roughly equally weighting across the three: 11 interviews from Lockhart & Co., 10 from Kingsley Harper, and 17 from Fenwick & Mason. However, there is only one participant from Mahoney & Co., and one from Atwoods.³⁵⁴ Although these interviews are effectively anomalies in the data set, they were not discounted due to the fact that that the information garnered from participants is of significant merit to a rich qualitative study. Firstly, the participant at Atwoods was the eldest in the data set, at sixty-four, and as a female partner whom had a very interesting anti-feminist stance. To discount her interview would have homogenized the female partnership perspectives on gender and equality issues. Secondly, the sole participant from Mahoney & Co. was the only black respondent in the whole data set, and she spoke very lucidly about issues of diversity and inclusion of black and minority ethnic (BME) lawyers. To discount her voice would be to omit the various issues revolving around race, which are discussed in the latter stages of this thesis.

³⁵⁴ The reasons for this are unclear, as the gatekeepers of these firms were willing to take part, and the recruitment strategy was the same as the other larger firms. Resorting to a “snowballing” technique and asking respondents to refer colleagues participate was not successful, and speculation would suggest that the nature of the interviews they gave, and the seniority of the respondents may be indicative of why they would not be keen to have colleagues involved.

Table 2: Descriptive Details of Research Participants Interviewed:

No. & pseudonym	Gender	LLM	Role	Further information
1. Denise	Female	Guildford	Partner	2 children, 2 long maternity leaves.
2. Catherine	Female	Guildford	Partner	1 child. 80% contract. Works over.
3. Megan	Female	Guildford	Associate	No children. Noticed others struggle.
4. Vince	Male	Bristol	Senior Associate	1 child. 2 weeks paternity. 65k salary.
5. Dan	Male	Bristol	Associate	No children. Late 20s.
6. Becky	Female	Bristol	Associate	No children. Late 20s.
7. Karen	Female	Bristol	Associate	No children. Late to law.
8. Richard	Male	Guildford	Associate	1 child. Nanny. No paternity leave.
9. Duncan	Male	Bristol	Associate	No children. Negotiated 50k salary via agent.
10. Jo	Female	Bristol	Associate	No children. Early 20s.
11. Liam	Male	Guildford	Associate	No children. Would negotiate higher salary.
12. Emma	Female	Guildford	Associate	No children. Worked In-House. Used agent.
13. Austin	Male	Guildford	Senior Associate	1 child. 2 weeks paternity. Wife doesn't work.
14. Dianne	Female	Guildford	Partner	2 children. Took long career break for children.
15. Jane	Female	Guildford	Associate	No children. 20s. Happy with salary.
16. Benedikt	Male	Guildford	Partner	No children. 11 years qualified solicitor.
17. Arundhati	Female	Guildford	Senior Associate	No children. Worked in London previously.
18. Harriet	Female	Guildford	Associate	No children. Late 20s.
19. Joseph	Male	Bristol	Senior Associate	2 children. Wife doesn't work. 6 years qualified.
20. Gwyneth	Female	Guildford	Partner	2 children. Senior. Took long maternity leave.
21. Yolande	Female	Bristol	Associate*	2 children. Brought clients to the firm.
22. Eva	Female	Bristol	Partner	1 child. Husband primary carer. On the board.
23. Lewis	Male	Bristol	Associate	No children. Would move LLM for 10k more.
24. Kate	Female	Bristol	Partner	1 child. Took 20k pay cut from London.
25. Jaswinder	Female	Bristol	Associate	No children. Husband high earner. Will leave law.
26. Juliette	Female	Bristol	Associate	No children. Early 20s. Unmarried.
27. Helen	Female	Bristol	Associate	No children. Married.
28. Judy	Female	Bristol	Associate	No children. Married. Not looking to move.
29. Peter	Male	Bristol	Associate	No children. Unmarried. Senior associate path.
30. Michelle	Female	Bristol	Associate	1 child. Took minimum maternity leave.
31. Ciaran	Male	Bristol	Associate	2 children. Divorced. Came to law slightly late.
32. Damian	Male	Bristol	Associate	No children. Looking to move to London.
33. Imogen	Female	Guildford	Associate	No children. Mid 20s.
34. George	Male	Guildford	Associate	2 children. Looking to make senior associate.
35. Nick	Male	Guildford	Associate	No children. Worked in London previously.
36. Henry	Male	Guildford	Associate	No children. Married. Move to LLM for family.
37. Charlotte	Female	Guildford	Associate	1 child. Part-time. Husband works in City.
38. Aurelia	Female	Bristol	Associate	No children. Mid 20s.
39. Samuel	Male	Bristol	Associate	1 child. Married.
40. Yvonne	Female	Bristol	Associate	1 child. Unmarried. Problems with childcare.

**The 'associate' is effectively an untitled 'senior associate', due to her status, experience and time at the firm. Note that many smaller firms do not have formal job titles to make the distinction between 'senior' and 'junior'.*

3. 5 Reflexivity, Positionality and Ethics.

To ensure that participants' reputations or job security was not put at any risk, the highest ethical standards were exercised throughout the empirical research design, data collection, analysis and interpretation. From the onset, the creation and maintenance of participant and law firm anonymity was of utmost importance. Absolutely no information of their identities was shared with other participants, with my peers or supervisors. All interviews were conducted in sound-proof offices with tinted glass. Law firms of course provide these discreet environments to their clients, in order to maintain their anonymity, and I as a researcher was able to benefit from the availability of these facilities. The only people to ever enter the room whilst an interview was taking place were waitresses.³⁵⁵ In every instance, the audio-recording device was stopped for the serving of coffee, and only resumed once the waitress had left the room. To ensure the anonymity of interviewees, I took sole responsibility for the transcription of all audio-recorded interviews, as well as using pseudonyms for the participants, the firms at which they worked, and also the other various firms which they make reference to within the local labour market (LLM).³⁵⁶ In the writing-up of this thesis, I have not offered any information which would indicate a person's identity or make their statements traceable to a particular firm. Furthermore, I have omitted any details which would reveal their identity, for example I have used pseudonyms for participants' hometowns, children, etcetera, and omitted any detail about their job roles, job title, and departments.³⁵⁷ As the LLMs of Bristol and Guildford are relatively small (and many of the interviewees spoke specifically about the firm at which they were previously employed) I took various extra precautionary measures to ensure that the private and professional integrity of the information shared during interview. This extreme caution was necessary as the content of the interviews was at times very contentious.

³⁵⁵ Large law firms hire catering staff who bring beverages to clients. These 'In-House' staff are trusted members of the team, and deal with clients on a day-to-day basis, hosting them in waiting rooms with hot and cold drinks, snacks, and bringing lunches to conference rooms, etc.

³⁵⁶ Of course by proxy, if a solicitor names a firm which they do not work at, and there are only two international firms of the same size in the city, it would very easy to ascertain at which firm they are employed, even if a pseudonym had been used. Therefore, I exercise extreme caution and change all firm names in the local area when interviewees are discussing a collection of law firms, or drawing their own comparisons or contrasts.

³⁵⁷ The anonymity of the participants was further ensured in the summary tables, in which only minimal extra information is provided.

Whilst these various measures were taken during the write-up to ensure that the interviewees' information was not traceable to a specific employee in any way, during data collection, it was sometimes difficult to keep the members of a firm from knowing which of their colleagues were taking part in the study. This was due to the lack of discretion amongst the employees, who discussed amongst themselves who was taking part in the study, not as a form of gossip, but of self-advertising and snowballing for future recruits. Many participants vocalised their enjoyment of the interview process, indeed for many it was cathartic to reflect on their career. Understandably, they wanted to discuss this experience with others, to recommend or encourage their peers to also take part. This dialogue sometimes compromised the anonymity of the participants, as it of course meant that some lawyers were aware of the fact that their colleagues were taking part. This was an inevitable part of data collection and recruitment, and not a significant problem, due to the extreme caution I exercised in the presentation of the information within the write-up of this thesis. As previously discussed, I took numerous measures to make sure the information shared could not be traced to the participant. I was highly conscious of my responsibility to ensure the integrity of the information shared during interview and of course did not discuss any names or details of other participants. Though there are always complications to data collection such as these issues of confidentiality, I am very confident that they did not threaten the anonymity of the participants; in this thesis it is not possible to trace dialogue to employees of a law firm.

As a researcher, I employed a very high level of self-reflexivity with regards to ethical standards throughout the empirical research design, data collection and interpretation process. Undertaking rigorous Qualitative Research Methods (QRM) training at University of Oxford prior to the fieldwork was extremely worthwhile as it offered ethical training for early-stage researchers and made me highly conscious of issues regarding confidentiality very early in the research design process. I drew on the experience of this training course when considering the ethical implications of this study, working in accordance with the University of Southampton's Policy on ethical conduct to ensure the research was designed to ensure the highest levels of integrity and quality.³⁵⁹ As the fieldwork took place, what would transpire it that these ethical standards were even more important than I had initially believed them to be; aforementioned, participants often entrusted me

³⁵⁹ For further reference see the University of Southampton Code of Ethical Conduct, p. 1-2

with information which was extremely personal or private, often which did not reflect well of their current or past firms, and sometimes even went to far as to indicate illicit or even illegal practice. I was self-aware that the integrity of the information they shared was compromised in any way, it could have put their job in jeopardy. Evidentially, I took ethics and anonymity extremely seriously throughout the empirical research project. I am confident that I conducted the fieldwork with the utmost integrity, professionalism and discretion, and that the work I carried out was in accordance with the highest ethical standards.

As a feminist scholar, my methodological approach was highly reflexive, with a heightened awareness of intersubjectivity and issues pertaining to positionality. I drew inspiration from other feminist academics in the field, taking an approach that was far from the methodologies and epistemologies appropriated by traditional human geographers. As Kim England argues, '[f]eminism and the so-called postmodern turn in the social sciences represent a serious challenge to the methodological hegemony of neopositivist empiricism'.³⁶¹ In line with England, I believe:

part of the feminist project has been to dismantle the smokescreen surrounding the canons of neopositivist research – impartiality and objectivist neutrality – which supposedly prevent the researcher from contaminating the data [...]. As well as being our object of inquiry, the world is an intersubjective creation and, as such, we cannot put our commonsense knowledge of social structures to one side.

As a researcher, I took a feminist postmodern approach which did not aim to create a false sense of objectivity, but rather to investigate the intersubjective world of the provincial law firm. When carrying out the fieldwork, I did not aspire for detachment or distance from the participants. As I do believe it is ethical or correct to treat participants as objects, or to in any way exploit or assert control or authority over the 'subject' or sector, I did not aim to be aloof or to mask my naturally friendly personality by putting on a façade of neutrality. Rather, I was my 'natural' subjective 'self' - professional, polite, warm and encouraging. I was extremely aware of my positionality as researcher, yet sought to create an interesting and emotionally engaging dialogue between myself and the interviewee. Both before, during and after the collection of the empirical research, I exercised a reflexivity which can be described as 'self-critical sympathetic introspection and the self-conscious analytical scrutiny' of myself as a researcher.³⁶² I analysed my interactions with

³⁶¹ Kim V. L. England, 'Getting Personal: Reflexivity, Positionality, and Feminist Research', *The Professional Geographer*, Vol. 46, Iss. 1, pp. 80-89, p. 80.

³⁶² *Ibid.*, p. 83

interviewees, made notes about the research questions and hypotheses, carefully considered the consequences of my interviews with employees, reflected on my mode of address, body language, and the like. ‘Certainly, a more reflective geography must require careful consideration of the consequences of the interactions with those being investigated’. This heightened awareness of reflexivity meant positionality and potential power dynamics played crucial role in my thinking, and the way I carried out the research.³⁶³

The often hierarchal power relationship between the interviewer and the interviewee has been well documented in feminist literature; indeed, as McDowell’s notes, the positionality of the researcher and her/his subjects and the relations of power is particularly important, and as feminist researcher we must of course pay attention to any disempowered groups.³⁶⁴ Though I took such literature into account, during the interviews, I would not describe myself as being in a position of power. I found that because these people were habitually older than myself, and from a higher social standing, and perhaps partly due to the fact that they were on ‘home soil’ of their law firm, they were all comfortable and relaxed. It did not feel like there was an unequal distribution of power. The interviewees were all professional, intelligent people who were of sound mind and judgement, keen to share their experiences. It was an interactive and equal exchange. Generically speaking, legal professionals are very adept at dealing with social interactions and are habitually eloquent, articulate and confident. Notwithstanding this observation, I remained aware of issues of intentionality, interpretation, positionality and power throughout the data collection. I endeavoured to create an environment in which interviewees felt safe to share their career narratives and stories. At times, during sensitive topics, some women did seem slightly emotional, but this did not present itself as a problem. On the basis of mutual trust and respect, participants habitually continued talking once they were ready. No interviews cried or showed signs of extreme distress. Of course it is not pleasant for a person to recall an unhappy time in their career, but these participants were very willing to share their experiences – good and bad. Ann Oakley famously argued that it was perhaps a contradiction to interview a woman.³⁶⁶ I did not find this to be the case; it was not a contradiction to interview men or women within the legal profession, rather, it was intriguing to hear

³⁶³ Ibid., p. 83.

³⁶⁴ Linda McDowell, ‘Doing Gender: Feminism, Feminists and Research Methods in Human Geography’, *Transactions of the Institute of British Geographers*, 1992, Vol. 17, Iss. 4, pp. 399-416.

³⁶⁶ Ann Oakley, ‘Interviewing Women: A Contradiction in Terms’, *Doing Feminist Research*, 1981, Vol. 30, Iss. 6, pp. 234-256, p. 237.

their viewpoints, emotionally and intellectually stimulating to gain insight into the industry, and on a very basic level, it felt very natural to talk to people about their jobs.

When it came to interpreting the data, awareness of issues surrounding subjectivity and impartiality were of utmost importance. Here an excerpt from Jane Haggis's discussion of feminist research practices is particularly useful in stating my own obvious impartiality during the write-up process. In Haggis' words, '[m]y voice obtains at least three qualities in this quilt of interpretation':

- 1) [i]t is my reading of the primary accounts (or the hearing of oral material) which will be presented as the historical dimension;
- 2) This reading will take further shape around my interest in the form in which I choose to write the text
- 3) Embracing both 1 and 2 are my thematic interests, which are already shaping the questions I ask, relevance I give, and reasons for my research and the material I am using.³⁶⁷

As a feminist researcher, I identify with this metaphor of the *quilt of interpretation*. The research topic of this thesis, though embracing my own thematic interests, is ultimately a response to these central paradoxes and gaps within the current literature – the methods, approaches and strategies used here are designed accordingly. Nevertheless, the primary reading has inevitably shaped my empirical research design, and my interpretation of what is worthy of academic merit, and by proxy, what is not. This is a qualitative study of a small regional scale, designed specifically to collect rich and detailed accounts of provincial lawyers' attitudes, values and beliefs regarding the three central themes which have arisen as under-studied from the literature review: i) place and pay, ii) progression and the 'partnership pipeline', iii) parenthood and the body. Inevitably the 'voice' of the author is present in the interpretation of material, but I have endeavoured to make the most prominent voices to be those of the men and women who work in provincial PSFs.

³⁶⁷ Jane Haggis, 'Feminist Research Processes' in Liz Stanley (ed.), *Feminist Praxis*, p. 77.

3.6 Data Collection and Handling.

Interviews were conducted in the private offices or conference rooms of various law firms in Bristol and Guildford.³⁶⁸ Prior to the interview, participants were given a copy of the consent form to read over at their own leisure and sign before the interview took place.³⁶⁹ All interviews were audio-recorded via a password-protected Dictaphone on a personal and highly-protected iPad, and stored in compliance with the University of Southampton's data storage policy. Interviews ranged from 38.04 minutes to 65.21 minutes in length, with the vast majority being 52-58 minutes in length. The Dictaphone was paused in 9 of the interviews, habitually with the disturbance of hospitality staff who would come into the conference or meeting room with a tray of hot drinks. Interview content was based a set of semi-structured questions and interviewees were allowed to withdraw excerpts or the whole of their dialogue at any time.³⁷⁰ As previously mentioned strict ethical procedures were adhered to at all times to safeguard the integrity and confidentiality of the interviews.³⁷¹

Data was analysed using computer-assisted qualitative data analysis software (CAQDAS), called NVivo. Having attended NCRM training sessions on this software, I found this particular package to allow me to successfully manage code and categorise the data. Of course organising and analysing the data is not a neutral activity. When using NVivo, I applied processes of thematic analysis, which loosely draws on some of the principles of Grounded Theory. Rather than using 'open', 'axial' and 'selective' coding, I used a simple code (i.e. label) and categorised the interview transcripts but focusing and honing in on different areas of interest.³⁷⁴ I began this process whilst still conducting the interviews. This enabled me to read the transcripts in a reiterative fashion, identify possible codes throughout the process. Codes are simply labels to

³⁶⁸ Note that all law firms have sound-proof offices often with tinted glass, so as to preserve the confidentiality of their clients' conversations.

³⁶⁹ Both paper and PDF copies are kept on file.

³⁷⁰ See appendices (page 197) for the semi-structured interview schedule. Note that only one participant withdrew some of the interview. This was as the interview believed their comments sounded anti-Semitic. This was of course fully respected and the section was removed from the transcript.

³⁷¹ No names were used at any time between myself, the researcher, and my supervisor(s). All data was stored on a personal private laptop, which was password protected. No information regarding the law firms involved was discussed with any colleagues at the University of Southampton.

³⁷⁴ See appendices (page 209) for a full list of codes.

attach to chunks of text; '[c]odes serve as shorthand devices to label, separate, compile and organise data'.³⁷⁵ For the data in this study, there were codes such as 'salary', 'part-time' or 'commute'. I subsequently started to categorise themes amongst the codes and developed a coding framework. For example, a group of codes called 'body/embodiment' dealt with transcript extracts regarding dress, gender, weight and the ways in which this affects how employees feel or are treated at work. As with a deductive approach, there was a constant modification of the coding framework; as new themes emerged in from the interviews, I revised and amended the categories accordingly to effectively manage the data.

It must be noted that whilst I found computer-assisted software extremely useful from a pragmatic point of view, the bulk of the data interpretation was done by hand, by re-reading the transcripts, highlighting the paper copies, using self-designed symbols and making annotations in the margins. This, albeit old-fashioned, approach enabled me to fully comprehend the most pertinent themes relating to the three research questions. I did not use NVivo to create coding reports, for example of 'promotion' or 'work/life balance'. Rather than keeping coding memos, I logged all of my data analysis and interpretation in a diary, which enabled me to keep track of any major changes and assisted me with the development of my methodology as well as the writing-up process of the thesis. The diary included the methodological tools and concepts previously mentioned, and a plethora of key words, phrases and lenses which were important to the feminist praxis.

3.7 Research Approach.

So, how do we 'do' feminist research? Whilst I would not make the claim that feminist research has to have defining criteria, there are undeniably characteristics which many feminist research projects share: a focus on women's lived experiences, a questioning of patriarchal power, analysis of social and cultural institutions

³⁷⁵ Alan Bryman and Duncan Cramer, *Quantitative Data Analysis with IBM SPSS 17, 18 & 19: A Guide for Social Scientists*, (London: Routledge, 2013), p. 392.

which subjugate women. This empirical research into gender and work is definable as ‘feminist’ as it shares such characteristics. The project sets out to do the following:

- 1) [a]nalyse the construction of gender within the PSF, drawing on a range of feminist theories to critique the performance of gender, and gendered notions of professionalism.
- 2) Examine the embodied experiences of women at work, drawing on a range of feminist theories to critique the labouring body and the way in which it operates symbolically.
- 3) Question the reproduction and perpetration of power within the PSF, in an attempt to generate research which could potentially benefit women in the legal sector.

As Hesse-Biber notes, ‘[f]eminist perspectives also carry messages of empowerment that challenge the encircling of knowledge claims by those who occupy privileged positions’.³⁷⁶ In the context of the legal profession, it is the male partners who occupy these privileged positions. A common claim cited within the existing literature is that men are more capable, suited, or naturally adept for senior partnership positions. My own research engages with feminist theory and praxis in order to dismantle such accepted ‘truths’ of the legal profession. Such an interrogative and deconstructive feminist approach is built into the research questions and the research design.

So what kind of lens do we use to approach this line of feminist inquiry? Of course ‘there is no single feminist epistemology or methodology’, rather, ‘multiple feminist lenses wake us up to layers of sexist, racist, homophobic and colonial points of view’.³⁷⁷ The perspective used here focuses solely on gender politics, due to the scope and size of this thesis. One of the traditional lenses to studying gender is feminist standpoint theory, which to my mind falls short, as it believes that women have a privileged viewpoint, a deeper view of the world because of their maternal experiences and bodies.³⁷⁸ Conversely, the approach used here does not define women solely by their sex and their bodies, rather, it critiques the law firms which do so, and interrogates the very notion that women should have a different experience of the world because of their maternal, feminine bodies. It uses a self-constructed approach based on various feminist epistemologies which are discourse-driven and ‘creative’. Creative research methods can be roughly divided into four

³⁷⁶ Hesse-Biber, p. 3

³⁷⁷ *Ibid.*, p. 4

³⁷⁸ Here, I am referring mainly to the work of Sarah Harding, *The Feminist Standpoint Theory Reader: Intellectual and Political Controversies*, (London: Psychology Press, 2004).

categories; arts-based, research using technology, mixed-methods and transformative'.³⁷⁹ For the purpose of this thesis, I draw on the latter – the transformative paradigm – which includes under its umbrella feminist research. The transformative paradigm is relevant here as the research concerns power, pay, gender and privileged positions (i.e. of male lawyers), alongside an interrogation of ways of knowing:

[t]he transformative ontological assumption that there is one reality leads us to delve deeply into understanding factors that lead us to accepting one version of reality over another. We are lead to answer questions such as “Whose reality is privileged in this context?” “What is the mechanism for challenging perceived realities that sustain an oppressive system?” “What are the consequences in terms of who is hurt if we accept multiple versions of reality or if we accept the ‘wrong/privileged’ version?”³⁸⁰

Such questions prompt an interrogation into the gendered dimensions of the legal profession in England and Wales today, particularly of the commonly-held assumption both in and outside the academy that womens’ lack of progress to the top of the career hierarchy is either their fault, their choice, or their personal failure. In the conceptualisation of the ‘trickle’ up theory, whose reality is privileged? What tools can be used in challenging the perceived realities in that sustain the oppressive sexist systems within the legal services sector? What are the consequences if we as scholars accept or believe that women – not solely in the legal profession, but across other interactive service sectors – do not ‘trickling’ up because of their personal fault, failure, or choice? Thus the subsection of creative methodologies which can be broadly described as ‘transformative’ are useful here, not as a blueprint, but simply to ask interrogative questions. It is a paradigm to provide guidance; ‘guidance in terms of clarification of ethics and values and consequent decisions that are related to ontology, epistemology, and methodology’ of this specifically feminist study and describes the ontological basis of this research.³⁸¹ The theoretical tools used are inspired by various feminist epistemologies – drawing on a vast range of feminism(s), such as feminist-re-appropriations of Foucauldian notions of power and conceptualisations of Butlerian bodies, as well as feminist geographies such as those

³⁷⁹ Helen Kara, *Creative Research Methods in the Social Sciences: A Practical Guide*, (London: Policy Press, 2012), p. 23.

³⁸⁰ Donna M. Mertens, ‘Transformative Mixed Methods Research’, *Qualitative Inquiry*, 2010, Vol. 16, Iss. 6, pp. 469-474, p. 470-1.

³⁸¹ *Ibid.*, p. 473, quoted from Martens’ explanation of how the transformative paradigm has informed her own work.

from McDowell and Haynes who draw on the work of Bourdieu to analyse forms of capital in the light of gender.³⁸² Here, I detail the tools and concepts which are relevant to the research design.

Butler's work offers a relevant, applicable epistemology which can translate directly into feminist research praxis suitable for the project ahead. So what can we take from Butler's work on performativity which offers tangible, useful material for the proposed research methodology? Firstly, I would suggest that the aspect of Butlerian theory that indicates that gender is always, inescapably mediated through discourse is an epistemology is potentially very useful to the project of analysing workplace narratives. The corresponding methods used will be-discourse driven and interrogative of gender. Indeed, a workplace persona or identity is indeed gendered; certain types of "masculine" or "feminine" behaviours or attributes are useful to different types of jobs and in different circumstances. So the notion that gender (or indeed a gendered workplace persona) is created, formulated or fabricated via a repetition of stylised acts, a way of speaking, or 'being', is at the forefront of the method. The concept of 'performativity' is thus very relevant when examining the interplay between gendered identities and notions of professionalism, especially in the context of the legal profession. It may illuminate which types of attributes are assigned or ascribed to the 'model' candidate for a training contract or a partnership position. Performativity – and the *performance of professionalism* – has a huge impact on career progression. To use Butler's notion of performance also seems relevant in the context of annual pay reviews, and the ways in which such workplace exchanges require a reiterative type of *acting*. This is just one likely example of the ways in which stylised, repetitious acts may be 'done' in the formulation of a professional identity, and how Butlerian theory can be practically applied to the research data. Others may include examples of exaggerated (i.e. hyperbolic) masculinity or even femininity in different departments or PSFs. Furthermore, as McDowell points out, '[a]dopting Butler's notion of the heterosexual matrix in analyses of the production of 'appropriate' working bodies thus allows

³⁸² Judith Butler, *Bodies that Matter: On the Discursive Limits of Sex*, (London: Taylor & Francis, 2011); Judith Butler, *Excitable Speech: A Politics of the Performative*, (London: Psychology Press, 1997); Judith Butler, *Gender Trouble*, (London: Routledge, 1990); Katheryn Haynes, 'Body Beautiful? Gender, Identity and the Body in Professional Services Firms', *Gender, Work and Organization*, 2012, Vol. 19, Iss. 5, pp. 489 -507; Linda McDowell, *Capital Culture*, (London: Blackwell, 1997); *Redundant Masculinities? Employment Change and White Working Class Youth*, (Oxford: Blackwell., 2003); Linda McDowell, *Working Bodies Interactive Service Employment and Workplace Identities*, Vol. 61, (New Jersey: John Wiley & Sons, 2011); Linda McDowell, 'Elites in the City of London: Some Methodological Considerations', *Environment and Planning A*, 1998, Vol. 20, Iss. 12, pp. 2133-2146.

interesting questions about employment practices to be addressed.³⁸³ As I have mentioned before, this is an extremely relevant point in regards to the masculinist culture of law firms which has been discussed in the existing literature with regards to the elite culture of City law firms. The heterosexual matrix – alongside performativity and the unique post-structuralist conceptualisation of the body – all offer useful analogies, organising principles for viewing the types of gender being ‘done’ at work.

Complementing this Butlerian perspective is the epistemology that the body is an inscribed surface. Extending the Foucauldian argument, Bordo describes the body not only a *text* of culture [...] but a *practical*, direct locus of social control’.³⁸⁴ This is crucial to the method used here, as I shall conceptualise the provincial legal body as not merely a *text* of legal culture, but a *direct locus of control* for the PSF and the legal services sector as a whole. Via the vast proliferation of images, values and cultural beliefs, of what makes a ‘good lawyer’ these legal bodies – in line with Bordo’s feminist reappropriation of Foucauldian theory – become homogenised, normalised, and often cast into stereotypical gendered types of professional identities. The work of Haynes is extremely important here, as it is where we can weave in a sophisticated re-fashioning of Bourdieu’s notion of capital which shows how the gendered body of the legal professional is imbued with meaning in terms of capital, status and affirmation. Evidentially, this unique (and in many ways novel) methodology aims to mesh together these various different feminist epistemologies. To my mind, Butlerian theory, re-appropriations of both Foucault and Bourdieu are not mutually exclusive. The type of research undertaken here is thus post-structuralist, feminist, qualitative, and interrogative both the differences between male and female experience in the workplace, as well as the networks and practices which may govern the legal services sector.

In order to understand these networks of practices, the non-representational geographies of Ettlenger offers a useful starting-point. As discussed, Ettlenger proposes a technique which is not fixed to one particular unit of production but ‘permits analysis of inter-organizational relations through the lens of people and their universes of interaction.’³⁸⁵ This is useful to the empirical study ahead firstly as Ettlenger analyses social interaction, with particular attention to the effect on ‘decision making, behaviour and performance in

³⁸³ McDowell, *Working Bodies.*, p. 56.

³⁸⁴ Bordo, p. 165, Bordo’s italics.

³⁸⁵ Ettlenger, p. 166

collaborative work' noting that 'collaborative competition is particularly (although not exclusively) critical when [...] services firms must respond to *customized* demand'.³⁸⁶ When we consider this in the light of the legal services firm, it is worth noting that this type of 'new labour internationalism' is description of the way many PSFs operate, and that the reasons why all law firms create a bottom-up process, which is key to increased competitiveness and their lucratively as a business. For the individual, the bottom-up process and constant competitiveness defines their career progression and potential progression within the partnership pipeline. Legal professionals experience close inter-*personal* interactions amongst their colleagues, clients, partners of the firms and the various other service firm professionals in their local network. Social capital is evidentially crucial to their presentation as a professional, capable and successful lawyer. Here, feminist re-appropriations of Bourdieusian theory are useful for examining the acquisition of status and promotional opportunities.³⁸⁷

Yet how are non-representational geographies useful to a study of gender in the legal practice? Arguably, Ettlinger's insistence of the collapse of the public/private domains is where this type of epistemology becomes so relevant to the legal services sector – a sector which is infamous for the blurring between professional and personal lives when it comes to climbing the occupational ladder. The male or female legal professional looking to aim for partnership will inevitably be required to 'pull in' new clients to prove their worth. As signalled in the existing literature, this involves a high-level of out-of-office socialising which includes but is not limited to sports events, dining and drinking, company weekends away and international travel in which the individual must 'sell' the firm, and the legal services that they themselves can offer the potential client. This is, from a feminist perspective, the alleged 'fraternal contact' of socialising after hours, sporting activities and other gendered activities to which women are uninvited. Scholars Jack and Crowley Jack have even gone so far as state that excelling in sports is so important to progression to partnership that sportsmanship is 'the first stage of pre-law training'.³⁸⁸ Does this link between sporting

³⁸⁶ Nancy Ettlinger, 'Cultural Economic Geography and a Relational and Microspace Approach to Trusts, Rationalities, Networks, and Change in Collaborative Workplaces', *Journal of Economic Geography*, 2003, Vol. 3, Iss. 2, pp. 145-171, p. 145, p. 146.

³⁸⁷ Haynes, in particular, and her reference to different forms of capital with regards to gendered professionalism.

³⁸⁸ Rand Jack and Dana Crowley Jack, 'Women Lawyers: Archetype and Alternatives', *Fordham Law Revue*, 1988, Vol. 57, p. 933. See also Rand Jack and Dana Crowley Jack, *Moral Vision and Professional Decisions: The Changing Values of Women and Men Lawyers*, (Cambridge: Cambridge University Press, 1989).

proress and career progression exist within the local labour market? Does it present a particular problem for women? In asking these questions, I shall emphasise the connections between formal organisational social networks, and professional career-advancing socialisation; I shall analyse the ways in which the public and private spheres collide in the legal profession. From a feminist perspective, I shall also highlight the connections between the types of gendered activities men and women engage in at the PSF. Ettlenger's brand of relational thinking may be very useful to the study of men and women in law firms who are expected to mix business with leisure, to entertain clients and to win them over during various out-of-office activities. This fleshes out a creative new method which is useful and unique to feminist geography and feminist geographers, and may also be applicable to other empirical work in the fields of gender, power, and work. From the various epistemologies discussed in this section, a blueprint for a unique feminist praxis begins to become clear.

3.8 Feminist Geography in Practice.

So how do the various feminist methodologies detailed at the onset of this chapter translate into feminist praxis? Firstly, they shaped the research design and data collection. Key components of feminist theory were built into the analytical framework, which are detailed below:

- 1) [a]n examination of 'universes of interaction' and their potentially gendered nature: interlinked networks of power, and the fraternal contract
- 2) An analysis of legal services LLMs: their potentially 'un-local' nature, way in which labour market change can shape career trajectories, the pull of London and reasons for migration.
- 3) An assessment of labouring legal bodies: control, power, and the acquisition of status
- 4) What I shall call the 'performativities of professionalism'; including 'Hyperbolic masculinity' as well as constructions of femininity and the 'heterosexual matrixes' of the PSF

This gave a blue print for the analysis of the data. To elucidate the tangible, practical application of how these theoretical signposts can help comprehend the multiple realities of legal professionals, it is worth

looking at a hypothetical example. Take for instance a junior associate who is climbing the ladder in the hope to make partner at the large international law firm at which she or he works. The international firm, although lucrative, struggles in the aftermath of the economic downturn and increased competitiveness is an integral part of workplace-culture. The employee is invited to a ‘social’ weekend event at a country manor house in which they are required to bring their spouse and socialise with partners, stakeholders and high-net-worth individuals whom are potential clients to the firm. The employee’s performance will shape their likelihood of promotion to partnership. This fictional scenario is the type of situation in which adopting Ettlenger’s brand of relational economic geography would be particularly useful. A ‘relational’ aspect of her approach would look at the employee and his/her networks, whilst the microspace dimension would focus on the nodes, the people and their *universes of interaction*. Analysis is thus not fixed to one particular unit of production, for example to solely study dress, accent, height and the physical body, which would omit the processes of production and organisational dynamics which are so important. There is thus fluidity to move between two; to look at interpersonal and interactions. Such a methodological approach appreciated the overlapping of public and private domains. The employees’ spheres of work and home – which in this imaginary scenario are so blurred the boundaries between close – are closely analysed in relation to the interpersonal and inter-relational aspects which may determine their partnerships.

In such a fictional scenario as described above, other theoretical tools are also useful. Butler’s theory of performativity is useful in analysing what I shall refer to as the ‘performativities’ or ‘performativity’ of professionalism. The employee who is invited to the social weekend event is required to socialise with partners, stakeholders and high net worth individuals whom are potential clients to the firm. These people are predominantly men. A certain type of ‘hyperbolic masculinity’ may be rewarded in these types of scenarios. The performance of professionalism is crucial, yet this professionalism is highly gendered. Recognition of this *gendering* gives a sense of how the methodologies previously mentioned are practically applied to the data. The feminist framework – drawing on Butler, Foucault, Bourdieu, and indeed Ettlenger – offers an interdisciplinary and multifaceted approach to the realities of interactive legal services work. It is an approach which foregrounds gender in practice within the PSF, yet does not prioritise female or male experience over one another.

Evidentially, we must tread carefully when discussing the concept of the gendered workplace persona and the way it may be created, formulated or fabricated via a repetition of stylised acts, a way of talking, moving, and performing in a certain space and place. Butlerian theory is by no means seamlessly transferrable or easily super-imposed onto a study on the workplace. Yet, as I hope to have shown in the previous chapter, a careful application of Butler is well worth the rewards; after we have debunked and deconstructed the key components of her theories, it becomes clear that a Butlerian perspective offers a relevant, sophisticated way of perceiving human behaviours, especially in the legal services sector. Hand-in-hand with this use of Butlerian theory is a methodological approach which draws inspiration from feminist re-appropriations of Foucault and Bourdieu. To understand the positioning of the body within the networks of power, Ettlenger's viewpoint is particularly useful as it is both relational and microspace. To use Ettlenger's own words, this thesis will thus be 'relational because I am concerned with the spaces of interaction among people and nodes (workplaces) in the networks of social interaction' yet also microspace as it 'draws attention to [...] people.'³⁹⁰ The simultaneous use of these two approaches is an epistemological approach which is 'consistent with the concept of *relational capital*'.³⁹¹ Ettlenger's work – above that of other theorists in the field – is useful here as she attempts to really extend relational thinking; her analysis is not fixed to one particular unit of production but has the freedom and fluidity to move between two, to look at interpersonal and interactions, and such an approach 'permits analysis of inter-organizational relations through the lens of people and their universes of interaction'.³⁹² I am thus interested in the various different 'worlds' or universes of the provincial lawyer, and the ways in which the boundaries of private/professional worlds may blur together. Such an approach seems particularly fitting in light of the various 'extra-curricular' activities which invariably affect careers progression. In sum, this methodological approach offers an opportunity to draw tentative links between the organisational structures and illuminate the way gender operates within the legal profession.

³⁹⁰ Ettlenger, p. 146.

³⁹¹ Ibid., p. 147, Ettlenger's italics.

³⁹² Ettlenger, p. 166

3. 10 Summary of the Empirical Research Design.

During the course of this chapter, I have laid out the landscape of this study, explaining the data sample, recruitment method, data handling and the like. I have explained the rationale for these choices, as well as highlighting the importance of the geographical locations of the study. I have also discussed how feminist epistemologies may translate into tangible, concrete feminist research practices. As discussed at the onset, the aim of this thesis is to offer an exploratory yet detailed study into gendered in the provincial PSF with particular attention to pay, career progression and the perceived likelihood of making partner. It is to investigate the working lives of legal professionals in two particular cities: Guilford and Bristol. The data collected aims to offer a snapshot of legal services workers' lives. The methodological approach laid out emphasises the importance of women's lived experiences, yet does not look solely at the category of 'woman'; it offers an inclusive perspective from which to view to the workplace experiences of men *and* women, side-by-side. The theoretical lens used is inspired by various feminist epistemologies, drawing on a vast range of feminism(s) including feminist-re-appropriations of Foucauldian notions of power, conceptualisations of Butlerian bodies, and feminist geographies put forward by McDowell and Haynes who draw on the work of Bourdieu to analyse the relationship between gender and human capital rewards. This interdisciplinary approach is sensitive to both the *gendered* and *geographical* issues at hand: socio-spatial connections, gender power dynamics and the various ways in which employment experiences are shaped by the places and spaces in which women and men work.

This study thus uses a specifically feminist geographical method; a gender-centric approach suitable to the small or 'local' scale for the specific project ahead of examining gender in practice within the provincial PSF. As feminist geographers have argued, 'hegemonic notions of class, gender and ethnicity are expressed in the landscapes of finance capital in capital cities'.³⁹⁶ This research seeks to study the hegemonic notions of gender expressed in the landscapes of the provincial legal labour market. Drawing inspiration from feminist scholars such as McDowell, it questions whether the blurring of leisure and workplace lines 'may

³⁹⁶ Linda McDowell, *Capital Culture*, (London: Blackwell, 1997), p. 52.

act to re-place women as objects of pleasure and so paradoxically reconfirm rather than challenge their exclusion from the ‘serious’ spaces of serious money’.³⁹⁷ Are female lawyers really objects of pleasure? Are they excluded from serious spaces? Ultimately, how does gender inequality and exclusivity manifest itself within these ‘provincial’ PSFs? How do gender and geography interrelate to mark the experiences of legal professionals similar or divergent from their ‘elite’ London peers? Does the ‘local’ law firm reflect the notoriously long-hours, fast-paced, client-centric, distinctively masculine culture of the ‘City elite, or are these ‘local’ firms perhaps more family or female-friendly? How does the structure and culture of a PSF within these local labour markets affect the career progression and probability making partnership? These questions ask how and why women are marginalised, sexualised, stratified and segmented in the legal profession – and addressed the way in which men and women who are not part of the ‘elite’, sexy and greedy culture of London have been overlooked by legal scholars, feminist and geographers alike. In the forthcoming research chapters I shall begin to address some of these key gendered issues. Each chapter addresses one of the key three research questions. As the thesis unfolds, interrelations between the body, progression, power, performativity and gender are illuminated. As we progress through the data chapters, we see an accumulation of evidence in support of a type of *gendered practice* within the provincial PSF.

³⁹⁷ Ibid., p. 67

4

PLACE AND PAY.

4.1 Why Geography Matters.

This chapter begins to analyse the qualitative data, combing the interview transcripts to look specifically at content relating to place and pay. It addresses the first research question: *what are lawyers' attitudes towards their salary and the location of their PSF?* In considering this question, this chapter examines interviewees' conceptualisations of place and pay, and the ways in which being located in the provinces affects salaries, and often shapes working lives.

[a]s geographers, sociologists, and anthropologists have all demonstrated, place or locality, the set of socio-spatial relations that constitute the particular meaning of a place, is a significant part of the social construction of identity and people's sense of belonging, whether to a class, to a neighbourhood or to a spatially defined interest group.³⁹⁸

Of course within the UK (especially when speaking solely of the south west and south east) these 'regional identities and attachments are rather tenuous', '[b]ut even so, as geographers and sociologists have long argued, geography matters'.³⁹⁹ The aim here is to understand *why* and *how* geography matters to legal professionals in the provinces. Working against the grain of the long tradition within economic geography to examine the 'sexy greedy' culture of London lawyers, this chapter serves to introduce the lives of the non-elite interactive legal services worker into the existing literature.⁴⁰⁰ Lawyers of the provinces merit close consideration, not simply because they form the majority of legal labour market employees, but because their workplace experiences could provide a glimpse into the causes of gendered segmentation and gendered stratification across hundreds of other PSFs in the UK. This examination of non-elite workers could also offer

³⁹⁸ Linda McDowell, *Redundant Masculinities? Employment Change and White Working Class Youth*, (Oxford: Blackwell., 2003), p. 96.

³⁹⁹ McDowell, *Redundant Masculinities*, referring to Massey, 1984, Massey and Allen, 1984

⁴⁰⁰ *Ibid.*, p. 96. See Barnes, Trevor Eric Sheppard, and Jamie Peck, (ed.s), *The Wiley-Blackwell Companion to Economic Geography*, (London: Blackwell Publishing, 2012); S. French, A. Leyshon and N. Thrift, 'A Very Geographical Crisis: The Making and Breaking of Sub-Prime Crises', *Cambridge Journal of Regions, Economy and Society*, 2009, Vol. 2, pp. 287-302.

insight into the numerous reasons why so many interactive service workers in professions such as law, banking, and accountancy do not gravitate towards capital cities.

When we contemplate how and why geography matters in the context of the legal profession, there is one big issue which must be taken into account: the geographical variation in salaries. Legal professionals working in the regions of Surrey and Somerset get paid considerably less than those in the Capital of London – this is a well-known fact amongst legal communities, and one which is widely reported by The Law Society statistics.⁴⁰¹ Moreover, the salaries of lawyers within the LLM can vary dramatically, and are often determined by the size and prestige of the firm, as well as the calibre of clients, the type of legal work and of course the amount of billable hours clocked.⁴⁰² Take for example the prestigious international PSF Lockhart & Co., which offers some of the highest financial rewards. For a first year trainee salaries are £33,000 to £37,500; second years receive £35, 000 to £40,000 and a newly-qualified (NQ) solicitor between £42, 500 to £60, 000 on their first year. Where an employee sits within the salary brackets depends on their location: Bristol employees are put at the lower end of the salary range, whilst London employees at the same PSF are put at the top. Guildford's Fenwick & Mason lags slightly behind, offering £31,000 as a starting salary for trainees, whilst not publishing information on second-year or NQ pay packets. On the other end of the spectrum, high-street firms such as Mahoney & Co. pay considerably less: £24, 000 to £28,000 starting salary for an NQ solicitor. Moreover, the amount of colleagues, billable hours, workload and 'quality' of clients invariably ranges. Lockhart & Co. does a lot of mergers and acquisitions work, often dealing with large household-name clients, whilst Mahoney & Co. deals with simple conveyancing, wills and probate, and personal injury claims. The divergent sizes and cultures of the PSFs concerned garners interesting results, as we shall see through the course of this chapter.

In this examination of pay and place, the focal point for analysis is whether gender and geography interrelate to mark the experiences of male and female provincial legal professionals as similar or divergent. Here, the gender pay gap is particularly pertinent. As discussed at the onset of this thesis, men habitually out-

⁴⁰¹ The Law Society, 'Private Practice Earning Report, May 2014; 'Trends in the Solicitors Profession', Annual Statistical Report (ASR), April 2015; 'Diversity Profile of the Profession', May 2014. Unfortunately, the statistical breakdown of salaries does not offer a lot of specificity when we considering regional disparity.

⁴⁰² For reference see Pierre-Philippe Combes, Gilles Duranton, and Laurent Gobillon, 'Spatial Wage Disparities: Sorting Matters!', *Journal of Urban Economics*, 2008, Vol. 63, Iss. 2, pp. 723-742.

earn women at all rungs on the legal career ladder.⁴⁰³ Mid-way on the career ladder this gender pay gap translates to a median salary of an associate solicitor in private practice being £50,000 for men and £38,000 for women.⁴⁰⁴ Why is this gender gap so wide? Some scholars have suggested that such a pay gap exists in other professions because of the fact that women do not negotiate their salaries.⁴⁰⁵ This brings to mind the maxim: ‘if you don’t ask you don’t get’. This chapter challenges such an assumption and questions whether these notions concerning salary negotiation hold any weight within the legal profession. Are the differences in male and female legal professionals’ approaches to salary negotiation? How do legal professionals perceive the relationship between their locality and their salary? And, ultimately, how does the ‘localness’ of the LLM play a part in shaping legal lives and pay packets? These questions are addressed in this chapter. First, though, I will begin by setting the scene for legal work outside of London.

4.2 Lawyers Outside of London.

One of the opening questions on the interview schedule addressed the issue of place, asking individuals simply whether they enjoyed working in Bristol or Guildford. This question was designed to offer a neutral entry-point into discussing the more specific issues regarding the PSFs at which interviewees worked. The vast majority of respondents answered affirmatively (80%), confirming their satisfaction with living and working in Bristol and Guildford, respectively. Habitually, legal professionals had stayed in their hometown, the cities they went to university or college, or the place where they had family, friends, and a spouse. Respondents from Bristol and Guildford shared very similar views of their locality, and reported high levels of satisfaction working in their respective cities. Intriguingly, over half of all interviewees made direct reference to the City of London, despite not being asked directly. Interviewees freely offered up interesting observations of their lifestyle choices and how their career trajectories had lead them to specific labour

⁴⁰³ See The Law Society, ‘Private Practice Earnings Report’, 2014. This annual earnings factsheet is based on a survey of 1506 randomly selected individual practising certificate holders working in private practice, government and the In-House sector.

⁴⁰⁴ The Law Society, 2014.

⁴⁰⁵ Linda Babcock and Sara Laschever, *Women Don’t Ask: Negotiation and the Gender Divide*, (Princeton: Princeton University Press, 2009).

market spaces – this was often defined by their previous work histories. The following interview extracts illustrate the various ways in which both Bristol and Guildford lawyers constantly conceptualised their work-based satisfaction in relation to (and distinct from) employment in the City of London. Participants were often very enthusiastic about the provinces, as the following quote from an associate at Fenwick & Mason suggests:

Interviewer: do you enjoy working in Guildford?

Liam: Yes I love it, it's amazing!

Interviewer: Is there any particular reason you chose here to live and work?

Liam: Yes. As far I'm concerned this is the best firm outside of London that does the sort of work I want to do. It's got a fantastic reputation, everyone's really nice here, really friendly, the works brilliant. I'm doing the sort of work that's a couple of years beyond what I would be doing in London, because there are just so many people, which is great for my career progression. I'm working in smaller teams but with senior people, so for example it's quite a senior partner and then me, whereas in a London firm it would be: a senior partner, maybe a junior partner, maybe then a senior associate, and then maybe me, right at the bottom. So the quality of work that I was doing was not anywhere near as good as what I'm doing now.

In a similar vein, Dan, a male associate at Lockhart & Co., voiced his desire to work outside of London.

Rather than choosing a specific PSF, it was the LLM of Bristol that directly appealed to him:

Interviewer: do you enjoy working in Bristol?

Dan: Yes. Very much.

Interviewer: Do you want to elaborate on that?

Dan: It's well... I chose Bristol because I didn't want to work in London. I definitely didn't want to. I did want to work in a big-ish city. There's even more since I started; there's quite a lot of large firms here now, people have moved offices down here from the city. And I like being an hour and sort of twenty minutes by car or an hour and a half by train from London, from the centre.

Good transport links and the allure of a relatively big city were commonly cited amongst interviewees' top reasons for choosing to work in the provinces. Denise, a partner at Fenwick & Mason offers a clear example of wishing to work away from London:

I did work in London before so... I was in London before and my husband's still in London. It was part of a lifestyle choice to move from London [...] We moved out deliberately. I enjoy working here. It's a much closer little community with my area of work than you'd get

in London unless you were top people that everybody knows. So it's like ...it's actually nicer. I suppose its nicer being a bigger fish in a smaller pond.

In all of these quotes, the satisfaction derived either from working outside of London is based on previous work experiences or *imagined* employment in the City of London. These extracts are typical examples of the way in which interviewees habitually discussed their experience of working within a regional LLM with constant reference to the Capital of London. Many also referred to Magic and Silver Circle firms or other elite PSFs. The most popular reasons cited by interviewees for living and working in both Guildford and Bristol thus revolved around i) working in a tight-knit legal community, ii) working within a smaller department within the PSF, iii) having a better quality of life or 'work-life balance', and iv) potentially having more career opportunities. With regards to the latter, it was commonly mentioned at Fenwick & Mason that working closely with colleagues of seniority and in small teams offered more chance for promotion than in comparison to large London firms; moreover a smaller LLM allegedly offered more opportunities for forging and maintaining client relationships. Variations on the previously cited 'big fish in a small pond' concept were offered by both Bristol and Guildford workers. As Joseph states: 'it's a good city to live in and work in because it's pretty large, but not so large that people are anonymous, which is one of the big attractions for me'. This lack of anonymity is mentioned by Duncan also, who refers directly to how the close-knit nature of the local legal community assists his position of power within the local labour market: 'it's a nice city, it's quite a small city, um so ... you know most other businesses in the city, it's quite easy to keep tabs on people'. In the context of the conversation, Duncan refers to 'keeping tabs' on clients, potential clients, and colleagues at other firms, facilitating his awareness of job openings or new ventures in the LLM.

Whilst the place-based satisfaction with the LLM was shared by interviewees' in both cities, Bristol employees descriptions of place and space were much more nuanced; they often described a clear and competitive hierarchy amongst PFs in the Temple Quay area. This area is a stretch of half a mile along the waterside, a strip which is home to a range of international and regional firms, all next to one another. When we consider the physical and geographical proximity of PSFs in Bristol Temple Quay area, such sentiments of competition and hierarchy seem particularly pertinent. Inevitably, lawyers in the local area get their morning coffee at the same places, have their lunch in the same spaces, and use the same transport links from Temple Meads train station at the end of their working day. The close proximity of PSFs and the consequent

sharing of social/professional spaces and places within area appeared to create a heightened sense of competition amongst lawyers in the LLM. This is evident in the following extract, in which Lewis discusses the perception of his firm in the eyes of another more prestigious PSF within the area:

I think they [Lockhart & Co.] view us as a harmless younger brother, certainly the bigger firms I think, perhaps less so since we merged but your Lockhart & Co.'s', your Dodson & Sons, probably your Ashurst, probably do look down on us slightly as not as serious a contender in the market. [...] We are in the top five or six law firms in Bristol, so there are probably firms in Bristol that look down on us and probably lots of firms that look up to us. You know since we merged we are definitely a bigger and better law firm, and I think the market, both locally and nationally, is starting to take notice more – more than when we were Kingsley McKinnock.

The personification of Kingsley Harper as a younger brother conveys the sense that Lockhart & Co. perceives the firm to be immature, inept, lacking power and prestige. To offer a bit of context, it is worth recognising that Kingsley Harper had recently merged, and whilst striving to be a 'serious contender' in the LLM, the PSF arguably struggled with its mid-way position in the hierarchy of local firms. In the following extract Damien, also an associate at Kingsley Harper, echoes similar sentiments whilst also articulating the importance of locality:

I ...my personal view – which isn't the firm's view obviously – my personal view is that we don't seem to have the heritage of Lockhart & Co., and Dodson & Sons. I don't think we have the same reputation as them, certainly in Bristol. But we're growing. I think we are in very different spheres to Lockhart & Co. and Dodson & Sons – they are very much international work, London-led work, we're not quite there. At the moment we are, post-merger, we are very much a national firm, so if you look at the geography of where we are dotted around so...where we were previously Kingsley McKinnock in the North East we are very much now a national outfit. Over the next five to ten years we will be London-led, and then international as well. So I think that we are different to them. We are strong in our own sphere, but then one day we'll be competing on an equal footing to them.

The perceived lack of heritage, alongside the fact that Kingsley Harper is very much a 'national outfit' as opposed to an international firm, seemed to be a unifying strand amongst other interviewees' attitudes. Interesting, the firm is seen to be 'strong in [its] own sphere' but not in the LLM. The fact that the firm is not 'London-led' is of prime importance. Evidentially, Kingsley Harper's 'sphere' is neither the Capital of

London nor the LLM; arguably it is unbounded by local or regional ties, and is linked to the specialist type of work the firm does, and its diverse and scattered client base.

Intriguingly, comments regarding competition and reputation of the Bristol LLM were voiced solely by male associates, not women. Male employees generally appeared to be much more engaged with the PR tactics of the PSF; discussing in detail issues of hierarchy, heritage, locality, and corporate reputation. This is well articulated by Ciaran, another junior male associated at the much-revered Lockhart & Co.:

given Lockhart & Co.'s background, if you look at where it was ten years ago, it already punches considerably above its weight in terms of the clients it brings in. I already work with your Googles, your Facebooks, your Amazons, your Youtubes.

In the above quote a sense of power, time, of history and of heritage is conveyed – these were recurring themes of the interviews transcripts from male legal professionals in Bristol. The boxing metaphor is characteristic of the masculine language choices many men made in order to describe their firm; very commonly in interviews PSFs were described by male lawyers as ‘heavy-weight’ or ‘middle-weight’. Indeed, a heightened awareness of the presentation of power, strength and prestige appeared to be a characteristic of Bristol’s male cohort. The reason for this could be that the majority of Bristol’s legal services firms are considerably than many national and regional PSFs in other cities in the UK. Here, I cannot be specific due to the importance of anonymity, but the top firms – Lockhart & Co. included – date back to the 1800s. It is these old, ‘heavy weight’, prestigious firms which attract the top clients, as the reference to ‘your Facebooks’ and ‘Amazons’, suggests. Interestingly, the ‘quality of the client’ was commonly cited as the most important factor when considering what attracted individuals to a provincial PSF. To work with big-brand names offers the PSF’s portfolio prestige, as well as offering a benefit to the individual employees’ CVs. Of course big clients mean big business in the legal services world.

Perceptions amongst Guildford lawyers differed in that Fenwick & Mason was arguably the ‘top’ firm in the area and did not have so much local competition. Intriguingly, Fenwick & Mason was continually referred to by employees as a ‘City firm outside of the City’. This motto was circulated by management and adopted by many employees – in fact it was reiterated to me, totally unprompted, several times by different participants. The motto is meant to allude to the firm’s possession of ‘city qualities’ and its supposed

similarities to a London-based PSF, despite its provincial postcode. Acting almost as PR spokespeople, male and female employees voiced an active consciousness of the quality of legal services that their firm offered, and were keen to cite the benefits of their PSFs' location. As Arundhati states: 'so this firm is quite interesting because it does provide quite high-quality work but it can do it much more cheaply than firms in the city can.' Arundhati goes on to explain:

I only joined in August, so I've only been here about three or four months, and when I interviewed, a lot of people said to me that a lot of people came to this firm for lifestyle reasons, for work-life balance, but they still want to be working with good people, you know a lot of the people I've worked with so far have come from city firms, or American firms so they've got that City experience, and that sort of...the approach to work is very similar, and its good quality work and clients. For me...I haven't worked in another firm, this is only my second firm, but it doesn't feel unlike a city firm...I mean we're looking out of the window and we're not in the City, but it doesn't otherwise feel any different.

Evidently, several aspects of Fenwick & Mason attracted Arundhati: the 'City experience' of current employees, the 'city' approach to work, the quality of work and the client base. The 'city experience' aspect was cited by many other interviewees. Having previously been employed at either a Magic Circle, Silver Circle or American firms was perceived by many interviewees as very important, as though the experience gained added to the value of the collective identity of Fenwick & Mason as a PSF. Arguably, 'the socio-spatial relations that constitute the particular meaning of [the Guildford LLM] is a significant part of the social construction of identity and [employees] sense of belonging, whether to a class, to a neighbourhood or to a spatially defined interest group.⁴⁰⁶ Unlike associates interviewed at Lockhart & Co., (none of whom had worked in London) the majority of Fenwick & Mason employees had come straight from the City of London. As Imogen states: 'most of the people I've spoken to [in Guildford] have come from London, or a bigger firm, or in the regions, and they've moved for pretty much the same reasons as me'. These reasons were typically cited as being a 'better work-life balance', as evident from the above extract from Arundhati, and also the previous quote from Denise. For most interviewees the decision to move to the provinces had been very much a conscious one. Indeed, Henry, an associate at Fenwick & Mason who had come to the law later on in his career states: 'I sat down and had a long hard look at what I wanted, and my decision to

⁴⁰⁶ McDowell, *Redundant Masculinities*, p. 96.

look for a firm in the home counties was because it could give me the quality of life'. Evidently, legal work in the provinces was conceptualised as being far removed from the harsh reality of a London legal lifestyle.

4.3 City Life.

Despite not being asked or prompted, an overwhelming number of interviewees shared anecdotal 'horror stories' of working within the legal services sector in London. These narratives derived from their own personal employment experiences, or often those of family members or colleagues who had worked in the city previously. Gwyneth, a senior managing partner at Atwood's offers an example here:

my daughter's husband – my son-in-law – he works for a large corporate firm up in town [i.e. in the City of London]) and there have been weekends when they've planned to go away and my daughter has been left at the station with him ringing to say 'sorry I can't come, I've got to stay' because of some international case where the hours are all skewed so you have to live there all weekend.

This notion of 'living' at the law firm was a concept which was reiterated by numerous other interviewees when they discussed the allegedly harsh and hectic lifestyle of London legal services work. Take for example Karen, currently a junior associate at Lockhart & Co, in Bristol who had previously undertaken a vacation placement at a Magic Circle firm:

on the tour of the office they proudly show you the sleeping pods down in the basement where you just grab two hours you know shut-eye before going back to continue working on the deal. For me, there's something just really wrong with having that as something you show on an office tour to a group of people who haven't even joined the firm.

Karen went on to describe the long-hours culture that was promoted amongst her peers, employees at the Magic Circle firm:

there were just these horror stories that people talked about as if they were cool... you think you've done all the work you need to do, and you come home at midnight and they send out a taxi for you to bring you back to the office.

Her experience of this Magic Circle firm training scheme was unenjoyable and extremely stressful. Such 'horror stories' convey the high demands that international London-based PSFs place on their employees:

erratic and irregular working hours, a highly pressurised environment, and even sleeping at the office. For Karen, exposure to this type of lifestyle caused her to make a conscious decision to leave the law; ‘the [trainee] scheme really put me off the law for quite a long time’. Consequently, Karen worked in a bookshop for the next twenty years, before returning to the law just two years ago, when she joined Lockhart & Co. Whilst this is a specific and surprising case in some senses, it offers an insight into how aggressively such London law firms market themselves during their recruitment drives, and how hard they push their new trainees. Potentially, it seems that these PSFs design such ‘scare tactics’ to ward off those who are unwilling to ‘live’ in the Magic Circle firm. For Karen, the LLM of Bristol – and the provincial PSF Lockhart & Co. – offers the perfect opportunity for her to resurrect her legal career; providing a sort of solace from the Magic and Silver Circle.

The conceptualisation of a dichotomy between provincial PSFs versus Magic and Silver Circle firms was very common. Analysis of the empirical data showed that previous employment in the City of London strongly correlated to legal professionals’ high satisfaction with working in the provinces. Both Liam and Arundhati had worked at top international London-based firms and had recently moved to Fenwick & Mason in Guildford. Both cited late nights and the long-hours culture were the main reasons they chose to relocate:

Liam: the highs were leaving work in the evening and going on completion lunches, like all-day boozy lunches. That was it really. I really didn’t like it very much. The lows were sitting there at three or four in the morning on a regular basis, proof-reading some crappy document wondering why you went to uni and what the hell you’re doing with your life. [Seriousness to laughter.]

Arundhati: when I was a trainee I started in commercial and then I did corporate and finance and litigation, and when I was in corporate and finance I was regularly working all through the night or until 3 o’clock in the morning, days on end, and weekends. So it was pretty hard-going.

Interestingly, both lawyers worked in corporate departments at Silver Circle firms. Liam in particular had a very unpleasant experience of working at his previous PSF, which caused his decision to migrate to the provinces:

Interviewer: so what made you decide to leave London?

Liam: It was not liking my job very much, hating the hours, being surrounded by really miserable people. I didn't want to become that, because I felt like I had a bit of personality and it was getting pulled out of me. And I was fed up of paying ridiculous amounts of money for rent when I can move out here, and instead of living in a one bedroom flat in north London paying fifteen hundred a month, I can come out here and get a three bedroom Victorian cottage for less for a mortgage, and actually own the property. So it was like: going somewhere nicer to work, do better work, be happier in my job, and also get a better deal in terms of where I live. I'm living out in the countryside but I've also got a really nice town on my doorstep. So, yeah it was an absolute no-brainer in the end.

Likewise, Arundhati had moved to Surrey to have a better lifestyle, more affordable housing and more reasonable working hours. She displays her displeasure with working in London in the following excerpt:

Interviewer: would you ever consider going back?

Arundhati: No. I wouldn't. Not now. Because I just don't want to work like that. I don't think anyone should have to. I think it's ridiculous. And the kind of hours I worked, and the kind of hours my friends worked that work in those sorts of firms...I just think you can't really live like that long term, and it's not a nice way to live. So even if I was going to be paid double I wouldn't do it! [Laughs very loudly]

Accounts such as these were common within the empirical data set. Irrespective of the amount of experience an interviewee may have had in the City, the overall consensus amongst them was that Guilford offered a better lifestyle – indeed Fenwick & Mason itself offered fairer, better working hours with potentially more career rewards. For those Guildford lawyers who had migrated from London, it seemed as though they were seeking solace from the excessive and erratic hours they had suffered in the City. As cited by Liam, people have their personality 'sucked' out of them by working at a Magic Circle firm. In contrast, many saw the Guildford LLM to offer a 'breath of fresh air'. This conceptualisation – however clichéd – created a dualistic image: the harsh, dirty and fast-pasted legal life of the City of London versus the healthy, holistic, laid-back provincial law firm.

Amusingly, many men who had experience of working in the Capital voiced strong views against London lawyers – either referring to actual colleagues or a generic, faceless legal professional who projected a 'flashy' and fake professional image. Take for example Samuel, an associate at Lockhart & Co. who commutes once a week to the firms sister office in London. He disliked the type of legal professional that he encountered on his visit, which he describes as the 'apparent sense of emergency and self-importance to everything, which I don't agree with!' [Laughs] But I guess that's just me'. Vince offered similar yet more scathing comments regarding the self-importance of the London legal professionals:

the London lawyers tend to walk around with a bit more strut, they like you to know they are a London lawyer, they always tend to have bigger cufflinks and sharper suits, and really it's like, if you want to portray it, go on portray it...you can flex it...I'll just ignore you really. Particularly the guys at Slaughter & May are corporate and just ... I just find them annoying!

Here the interviewee hints towards a sense of rivalry based on geographical location and the alleged prestige of being based in London. In the interview he put forward his views most vehemently, continuing with a long monologue in which he described his distaste to the way in which his London colleagues 'throw their weight around because they're London lawyers, whereas I don't think you get that snobbery to a certain extent in the regions'. Evidentially, a Butlerian approach is useful here. In light of the feminist methodology used, it is interesting that the interviewee infers that London lawyers engage with a type of performativity – both in their bodily gait and deportment, in which they 'strut', and also in the adornment of the body with 'bigger cufflinks and sharper suits' than those in the regions. The interviewee's uses of vocabulary, tone and word choice indicates that London lawyers engage in a fabrication of self-image, a creation of an professional image which is highly masculinised. The London lawyer repeats a series of stylised bodily acts, a 'flexing' of professional prowess which is arguably defined within a highly rigid regulatory frame to present the appearance of substance, and a natural sort of being.⁴⁰⁷ Intriguingly, according to the interviewee, this hyper-masculine environment and culture is symptomatic to London and does not extend to the regions.

4.4 Salary (Dis)Satisfaction and 'Billable' Pressures.

Despite the negative narrativisation of a London legal life, the majority of employees in Bristol seemed somewhat seduced by the 'bright lights' of the City. In particular, when young associate solicitors discussed their salaries, many referred to the potential for higher earnings either within their own LLM, in a totally different geographical location [i.e. City of London] or at a more prestigious PSF. Broadly speaking, in the 'middle weight' firm in Bristol – Kingsley Harper – there was a definite sense of dissatisfaction with the salary rates, and a sense that these were low within the context of the LLM:

⁴⁰⁷ Judith Butler, *Gender Trouble*, (London: Routledge, 1990).

Interviewer: and are you happy with your salary?

Juliette: Yes but I do know that if I went to another law firm – Lockhart & Co., or Dodson & Sons for example – that I would be paid more.

Interviewer: How much more? Not in numerical terms but relative terms.

Juliette: I think it would probably, just from speaking to other people, it would probably be between six and eight thousand pounds which is obviously quite a substantial amount. I think it's a choice though as to whether you want to work in a firm which is a bit more hard-nosed like Osbourne Clarke [or] Burgess Salmon. But then at the same time the stress that you get here I don't think would be dissimilar that you would get to any other law firm, so yeah.

Many employees at Kingsley Harper seemed unhappy that their salaries were not as competitive at the leading PSFs in the local area:

Interviewer: are you happy with your salary here in Bristol?

Helen: Err yeah. Um Yes. Yeah. I think it could always be higher when you look at a couple of the other law firms here. They do pay more.

Yet the employees at those firms which do pay more were also unhappy – they looked to the salaries of London lawyers and felt unsatisfied. When probing deeper, I found that the size of the lawyers' professional networks affected their perceptions of their salaries, and the interrelated likelihood of considering to leave their current LLM. Take for example this extract from a Lockhart & Co junior associate, Jo:

Interviewer: and how would you know about the salaries and working lives of people that work in London? Do you have friends that work there?

Jo: Yeah, particularly at [Lockhart & Co], having trained with...you get to know your trainee intake quite well between London and Bristol. I keep in touch with those guys, and have an idea of what sort of hours they are doing.

What is interesting about this data is that at the international firm Lockhart & Co. – which has strong ties to its sister office in London – the employees have trained and worked together and thus the socio-spatial relations that constitute the particular meaning of the LLM are lessened. The workers are not concerned with the other local PSFs and the salaries of legal services workers in their locality, rather, they looked to their colleagues in London to ascertain the salary-hours ratio, where they believe the rewards to be higher. By contrast, those at Kingsley Harper were much more jealous of the higher salaries of their LLM counterparts. In this strange hierarchy, the national PSF workers look to the international, and yet the international look

towards London. Interviewees commonly echoed the ‘grass is greener’ mentality, either wishing to work in a different place or different PSF.

Guildford lawyers were seemingly less green-eyed, however, there were anomalies in the data set.

Henry had previously trained at Dodson & Son in Bristol. He knew many lawyers in the Bristol LLM, both those at his old firm and at Lockhart & Co.:

Henry: I’m broadly happy with my salary. I’m happy with it now. When I qualified... I was happy when I qualified but I qualified in 2008, and that was then put at a two-year pay freeze, understandably, because of where the market was. So you tend to slip behind the market. At that point in time, Dodson and Son and Lockhart & Co. were paying more and I was entirely aware of that...I’m comfortable with that. But as a result of offers coming in in the last eighteen months, I have been rewarded for staying. So I am completely happy with my salary at the moment. We also have a very generous bonus scheme if you achieve it, which is an extra thirty per cent of your salary, if you do up to a certain amount of hours, which is testing but achievable.

This extract is particularly interesting in when examining pay and place for two key reasons. Firstly, the assertion that legal services workers have ‘slipped’ behind the market due the recent economic downturn. Secondly, the assertion that the Bristol LLM offers higher salaries than that of the Guildford LLM. Indeed, Henry took up a training contract in Guildford and was very aware that he was getting paid less than his peers in Bristol. He states that he felt ‘comfortable’ with this, and yet in the interview he did not convey this at all; what is on paper just didn’t translate in person. Instead he seemed cynical of how much the economic downturn had affected his career and salary; he would have taken a higher salary in Bristol but there were no full-time jobs after his training contract, and he had a spouse living in Guildford. Though Henry did not voice his feelings of discontent with his current salary at Fenwick & Mason, in his intonation and body language during the interview it was clear he was disgruntled, and arguably felt short-changed. Whilst he was rewarded for his loyalty to stay with the PSF through tough financial times, and states that the bonus scheme is ‘generous’ at 30%, he evidentially finds achieving the billable hours targets to obtain that bonus ‘testing’.

Billable hours targets were a hot-topic amongst Bristol employees too. Here, two male associates eloquently describe their firms’ pay structures and interlinked billable hours bonuses:

Dan: well it’s a matter of public record what we earn when we qualify, and it’s about forty-two. The pay is very good as a trainee here, certainly when I joined it was the best outside of London. It was about thirty-four, thirty-three and a half, something like that. Um, it’s gone

up now the pay goes up every year; it's around ten, fifteen per cent generally it goes up, sometimes it goes up more. The bonuses are based on a myriad of factors, but the main one is if you bill enough from the previous year. We all have targets of thirteen hundred hours. And if you have billed over that, then you are eligible for a bonus. It doesn't matter how big you've billed, if you haven't reached your target, you're not eligible for a bonus.

Peter: So we have a three-stage bonus scheme now. It wasn't always like this, this is the first year that we've done it. So the current bonus system is based on chargeable hours alone. As lawyers we're expected to achieve a minimum of fourteen hundred chargeable hours a year, which is in line with the firms around here. For that, we get our salary, nothing more. If we do an extra fifty hours on top of that, so fourteen hundred and fifty, I think we get seven and a half per cent of our salary as a bonus. If we do sixteen hundred chargeable hours, we get fifteen per cent of our salary. And if it's eighteen hundred chargeable hours – which is a lot – we get thirty per cent of our salary. And on top of that, if our team as a whole has done well, we'll get an extra percentage top-up. And then if, on top of doing those hours that you've done other things that warrant a bonus there'll be a discretionary bonus on top of that.

In contrast to the prosaic and precise responses of men, women were a lot more emotional in their articulations of billable-hours pressures. Women also seemed a lot less goal-driven when it came to earning bonuses. Jaswinder states: 'I didn't anticipate how stressful the time recording thing would be'. She went on to explain that, at Kingsley Harper, she felt particularly stressed as she had recently returning from a two-week holiday: 'so I'm a hundred hours behind which is *awful*'. Although there is no mention of money, she states: 'I think the time thing - I do stress myself out a lot. [...] if you've got a good review from a client or a good outcome, that's meaningless if your hours aren't up'. In all of the interview transcripts, whilst young female associates did not convey the same sort of dissatisfaction with their LLM, and neither did they seem to have used their professional networks and their informal relationships with colleagues to decipher the geographical variations in salaries, they were very conscious of the pressures of billable hours bonuses and lost opportunities to earn more. The gendered differences were subtle, yet the geographical ones were stark. The importance of time-recording and the constant conceptualisation of the time-money continuum were echoed most often by interviewees in Bristol – this is potentially attributable to the fact that many Guildford lawyers had worked in the City at Magic and Silver Circle firms, where workloads and billable hours targets are higher. Guildford offered stability and routine, despite lower financial rewards. Meanwhile, Bristol workers – especially those at Lockhart & Co., who work with international clients – were well-informed of their London counterparts' similar hours and bigger pay packets.

4.5 Trade-Offs and Pay-Cuts.

When we consider the amount of billable hours an employee can ‘clock’, gender plays a crucial role.

Yolande, a senior associate at Bristol firm Mahoney & Co. voiced her dissatisfaction with her salary:

Interviewer: are you happy with how much you get paid and ...

Yolande: [interrupts] ... no! I think I should get paid more!

Interviewer: So you don’t feel that it’s reflective of how hard you work...?

Yolande: Um. I think it’s reflective of how much you bill, how much you earn, and so I guess it’s not enough for me. But if I billed more, I could earn more.

As with the previously discussed data, across PSFs, men and women alike displayed a high level of consciousness of their billable hours, which is of course unsurprising considering their accumulation and ‘clocking up’ of billable time directly dictates their take-home salaries. The fact that Yolande is working in a much smaller firm than other interviewees is important – her salary is already significantly lower than that of other senior associates in the LLM because her PSF is considerably smaller and much less lucrative. In addition, the reason Yolande could not bill more hours was because as a working mother of three, she did not have suitable childcare, and could not dedicate as much time to the PSF as her male colleagues. Her dissatisfaction thus stems from the gendered way in which legal services work is organised and rewarded within her firm. Indeed, the billable hours bonuses schemes put in place by many PSFs offer a system which simply does not reward working mothers. Numerous other female interviewees voiced their billable hours plight and the trouble with childcare; women found it hard to find the time to hit bonuses, and were very aware of the various financial trade-offs they made in order to take care of their families.

Analysis of the empirical data shows that parenthood drastically shaped the working lives and salaries of legal professionals, and that this affected women disproportionately to men, as women are commonly expected to take primary responsibility for childcare. Participants often discussed their salaries in direct relation to the freedom that the PSF afforded them. This was commonly conceptualised as a trade-off for parents. Denise, a partner at Fenwick & Mason in Guildford and a parent of a five-year old states:

erm yes... I am pretty well paid for the flexibility that I get. It is hard to see where else I would get that combination of things. So yes. I'm pretty content with what I get...I know I'm not the highest-paid person here, but then I'm not here at ten o'clock in the night either. ...so that's fine [laughs] Its swings and roundabouts.

As Denise's statement conveys, any flexibility offered for childcare is in essence a 'trade-off' of a higher salary; part of an unspoken bargain between herself and the PSF. A similar notion is put forward by Kate, a partner in her early thirties at Kingsley Harper, whose husband is in the Forces. Kate takes sole responsibility for childcare, and when asked if she is happy with her salary confided the following:

now I am, since being promoted, absolutely, and I feel myself on a par with those on my level performance-wise. But previously, no. [Laughs] I've been disappointed with it, probably ever since I arrived actually, but to me it's always been that off-set of that they let me have that flexibility, so I know it's always been less than my male counterparts, even when I've been hitting my targets and outperforming them.

Much like Denise, Kate believes that the flexibility she is offered for childcare is 'off-set' against the lower salary. Whilst both women convey a sense of nonchalant acceptance with this trade-off, neither feel they receive the salary they desire or deserve. Though the flexibility the PSF affords these women has not come at a price *per se*, there is a clear correlation between a lower salary and fact that these women are working parents *and* partners. Whilst this is a key theme of research question three, what is most intriguing in relation to this research question regarding pay and place is that Kate believes that she was originally not paid as much as her male counterparts, despite outperforming them.⁴⁰⁸ Evidentially, a host of gendered implications have shaped her salary satisfaction, as well as her overall job satisfaction and feelings towards her partnership at the firm.

Kate's dialogue is in a sense unique – an anomaly in the data set – as she was the only female interviewee who explicitly stated that she had knowledge of being paid less than her male counterparts. For this reason, during Kate's interview, I dug deeper to uncover the reasons why she believed she had experienced a gender pay gap:

Interviewer: do you feel as though that it [the pay gap] is just the nature of the industry?

⁴⁰⁸ Unfortunately as the research questions did not focus on technology and at-home-work, the data garnered is not specific enough to comment further. However, the issue of the salary cut can be commented on further – as was reported by others despite not being a specific question of the interview schedule.

Kate: Yeah I think it is, I mean it's wrong... it's really wrong, and maybe it's happening less and less now, but it's definitely still there, and I had so many conversations about it, but as soon as I hit partnership then it changes. I feel like I'm back on an even keel with everyone else, yeah. I guess partly, I was working three days a week but I was working an awful lot more, and you're still being paid your three days salary, when actually you've been doing four and a half days. You know...it just began to grate slightly when you can see people here and okay, they're working five days but they're not getting as much [...] so it was a bit of an issue for me I would say.

Interviewer: And when you were at Dodson Smith & Sons, what was it like coming from a Magic Circle firm? Did you take a pay cut?

Kate: Yes

Interviewer: And was it significant?

Kate: Yes, about twenty thousand. I mean at Hartmann Bond they are paying top whack...but it's quite a lot, even factoring in coming out of London.

Even considering the well-reported difference in salaries between London and the rest of the UK, this is a significant pay cut. Whilst the geographical move seems to explain the £20,000 decrease in her salary, one cannot help but speculate whether Kate's commitment to childcare plays a part. As she herself states, this is a considerable sum, even factoring out the move from London. Kate explained to me that she comes to work an hour early and leaves an hour early in order to take her child to school, and then pick her up from after-school clubs. The flexibility is in a sense a favour that she asks of the firm. Arguably, the salary package that her original PSF offered her factored in this flexibility.

It is notable that the majority of women who had moved from the London reported significant pay cuts when coming to a LLM outside of the city. Emma, a junior associate at Fenwick & Mason had also taken a considerable pay cut, although relative in terms of ratio to that of Kate. Here she recalls working as an 'In-House' lawyer to a large corporate company:

the salary was good. It wasn't the same... So I was on a good salary when I was training, and more still when I was at Google, but the salary's good but it's still...I'm trying to work it out in my head...it's still about eighty ...and now it's about twenty grand less that what my husband earns in the city, and we qualified at about the same time, but he's stayed at Pincent's and I've gone down the Fenwick & Mason route. So it wasn't a cut but if I'd moved at a different time, it would be. And I'm earning much less that I would be in the city for sure.

Despite Emma's experience at a prestigious Magic Circle firm, she did not believe that the salary discrepancy between herself and her husband had anything to do with gender, but was merely the result of different career trajectories and geographical locations. When Emma was asked if she knew the salaries of her cohort she did not; 'I've got a male equivalent here; same qualification year, same department, and I don't know what he's on':

...when we're trainees we all start out on the same salary and it's all mixed. It's only when you start qualifying when there's a gap. I mean part of the problem is you never know...they benchmark you, but there is discretion there. So I think even if you know that you're male counterparts are paid more, they'd still try to justify it!

Interviewer: But I mean you've never noticed in your career discrepancies between your female colleagues and your male counterparts... in your cohort?

Emma: No, not that I'm aware of. I suspect, for example, that the person here who is the same level as me, and the same department, I suspect he's paid more but I guess that it is because he moved two years after me, and any time you move you always negotiate a higher salary and so I think for that reason he is probably on more.

What is most interesting in this extract is the inherent contradiction; Emma denies having noticed a gender pay gap yet suspects that her male counterpart is paid more, and infers that the PSF would find a way to justify it, implying a cover-up of sorts. Emma seems to hold the belief that when an employee is not undertaking 'a move' to ask for more would somehow inappropriate. Many other interviewees voiced similar sentiments. Whether the move is either to another PSF in the same LLM or most commonly a geographical move, it is perceived to offer a window of opportunity for legal services workers to ask for a higher salary.

Two of the female partners did not voice any dissatisfaction with their salaries, despite both having experienced previous pay cuts when moving from London. Eva, an equity member who also was a working mother, showed total transparency in her happiness to reaching the top of the hierarchy when asked if she was satisfied with her salary she replied: 'yes I am. I've risen to the top of the tree. I mean we'd all like to make more money but where I am in the equity ladder is absolutely fine for me'. Gwyneth, a partner at Atwood's took a much harsher viewpoint. When asked if she was happy with her salary she replied:

it's my own responsibility. So I come back to that business about 'don't blame other people'. It's my own responsibility. Personally, I am paid on results, it's the system I wanted...I work better to target. And it's what I signed up for, and it's what I actually want. In other words, I am rewarded per cent age-wise in accordance with how much I bill, and how many of those

bills are paid. And there is a whole number of people in this firm who [pause] certainly if I have a bad year that's my fault...that's fine. It's a good salary. I think it's a very good salary.

Gwyneth explained that she was being considered for equity partnership, and that is was a significant financial responsibility to take on, hence her hesitation to make the move. Her age and social standing may go some way to explaining her viewpoint, and the stark difference in opinion to held by Eva.

Benedikt voiced a very different and slightly rebellious viewpoint from the female partners previously discussed. He was a very well-spoken and well-represented man who had worked in London previously. He had first been employed at the Bar and thus had taken a considerable pay cut when moving to Guilford into private practice law. At eleven years qualified, he became partner at Fenwick & Mason. Here he gives his answer to the salary satisfaction question:

yes ... but having worked in the public sector [in another role] in London previously I don't have such high expectations. Certainly I think for an outside-of-London rate, it's competitive. Its ...it's not more than competitive though. I think the firm is quite good at structuring it so that it's close to the lower end of what they could pay people, potentially. It's a profitable firm... it doesn't go out of its way to reward people. [Laughs] But I don't suppose that's unique in law firms! Am I happy with it? Well I suppose the thing is one can earn more if one works elsewhere. London isn't very far away and there are much bigger salaries there, but I suppose you have to look at these things in balance; opportunities, work-life balance, the opportunity for social events, the opportunity to build a career here...are all things that need to be take into account. So yes I'm happy.

The fact that he perceives the PSF to structure salaries specifically at the lower end of the scale is particularly interesting and alludes to a sort of skimping of meanness. Such a sentiment suggests a level of antipathy towards the firm. Of course he suggests this is symptomatic of the industry, and in the following sections we shall discuss how many younger associates believe this to be the case. Yet what is most interesting here is that Benedick engages directly with the well-reported fact amongst numerous employees - that 'London isn't very far away and there are much bigger salaries there'. He concludes that when one considers 'these things in balance', the regions offer a better work-life balance. Such sentiments were common amongst the cohort; indicating that this was the price paid for shorter hours and the luxury of living outside of London.

4.6 Salary Negotiations and Legal Agents.

In the interview schedule, the question following on from salary satisfaction addressed salary negotiation. Irrespective of gender, the overwhelming majority of younger associate solicitors reported that they would not ask for a raise. The commonly cited reason was that it would be ‘awkward’ and that the salary was already at a fixed or set rate. Dan, a junior associate at Lockhart & Co states: ‘I haven’t negotiated a salary at this point, because when you qualify you’re just grateful that they’re going to give you tuppence to come work here’. Despite this reluctance to ask for more, there was strong sense of the possibility to earn more amongst both Bristol and Guildford lawyers. As Jaswinder states:

so in my field there are other London firms which have Bristol branches and they pay more, and I’m always getting calls from recruiters saying ‘if you moved to X, Y, Z firm you could get more’. And the more senior, the more qualified I get the more the gap grows, because our pay rises aren’t significant whereas they are getting yearly increases. So whereas initially you would get five thousand more, you would get eight thousand more...do you know what I mean? So it’s becoming more and more ‘oh you know I’m getting less and less than that person in that firm’.

Here, we are introduced to the figure of the legal recruitment specialist. Surprisingly, approximately a fourth of the interviewees made reference to such legal agents. Before I began the data collection I was unaware of their large role in the working lives of many lawyers. These professionals seek out lawyers in the hope of tempting them to a new firm. As is evident from this extract, the agent attempts to lure Jaswinder to London. She gets many calls and this makes her question her salary and her prompts her to question her happiness at her current firm:

so for example I have one who would ring me [would] say ‘how are you doing, haven’t caught up for a while, are you still at [Kingsley Harper], are you happy there because I’ve got this job at X, Y, Z firm and they’re looking for people at your level, are you interested?’ I’ve always – until now because I’m getting itchy feet now – until now I’ve always said ‘no, I’m very happy where I am.’ Two of them have said to me ‘oh you can get a lot more money’ and I’m ‘no no I’m happy where I am its fine’. So that’s basically how it goes.

Although she reports having resisted temptation to leave her current PSF, hypothetically if she were to leave. Jaswinder notes that the main advantage of using an agent is to gain insider information to questions PSFs are going to be asking at interview, ‘because they’ve had other candidates who have been.’ However, ‘most firms will like if you come directly, or if you come via an internal recommendation because then they’re not

having to pay this fee [to the agents]'. Therefore, 'there's pluses and minuses' she muses.

Whilst Jaswinder had simply been contacted by agents and not acted on any offers, approximately five interviewees had direct experience of working with these agents and gained employment through using these recruitment specialists as a third-party. Imogen presents a clear example in the following extract in which she describes her experience of applying to Fenwick & Mason:

Imogen: I never applied directly. So yeah...they [the agents] put my CV forward and arranged the interview and basically acted as the middle-man. And when the offer was made, they were the ones that received the offer letter and then forwarded it on to me.

Interviewer: Oh right. So they are mediators in every sense?

Imogen: Yeah, yeah. So if I had wanted to negotiate on salary, for example, I would have done it through them. It would still have been awkward! [Laughs].

An example of this was offered by Duncan who describes his move to Lockhart & Co., during which the agent worked on his behalf to negotiate a starting salary. He describes three figures that he has in his mind, but that the dealings were really taken out of his hands. When pressed, he told me these figures.

Duncan: Yeah. So the top figure I think was fifty-six, the bottom was forty-six, and then the middle figure, which I got was fifty.

Interviewer: okay. And you feel as though they respected what you came to them with?

Duncan: um, well. [Laughs] the way it went, I think, is I came via an agency, a recruitment consultant, so I think they offered....what he told me was that they offered one sum, and he told them to go away and think about it without him even coming back to me and letting me know what that offer was, because he knew what I would have said, so the first offer that I was made aware of was the fifty.

Evidentially, the agent is a useful 'middle-man' who can potentially absorb some of the stresses of negotiating a move from either one PSF to another, LLM. However, this service of course comes at a price. As Joseph explains, they'll get a finder-fee on commission'. According to Joseph, legal agents are either part of a HR company retained by a specific firm 'that's most likely, that's most often how it works. So that firm will have...they'll appoint Haynes for example, and that will be their permanent recruitment firm', it is then their responsibility to 'look at the market and rake people in' describes Joseph. This 'raking' of the local legal labour market is an interesting concept, and one that potentially creates a sense of ill-ease amongst legal professionals, as is notable in the types of sentiments displayed when interviewees have discussed the

seductive salaries of London (or in the case of Bristol, the top international law firms which offer the biggest salaries). Nevertheless, it is clear that when hoping to negotiate a salary, the agent can offer a useful service, providing a buffer between the PSF and the prospective candidate, with the potential to absorb any awkwardness.

Amongst those of a higher level of seniority, there was little mention of agents and much more divergence in attitudes towards salary negotiation. Denise, a partner at Fenwick & Mason said that she was ‘a bit squeamish’ about talking about money, nonetheless, she shared with me the fact that she had not had a pay cut when moving from London, despite having moved from a prestigious West-End firm:

I got a slight pay rise in fact, so I didn’t need to worry about that... erm... I think when everything went a bit flat, everyone got a bit grumpy that they weren’t seeing any change but I haven’t ever gone and haggled hard. [Laughs] I’m very ashamed to say.

This shame and embarrassment was palpable in the interviewee, who went on to explain her rationale: ‘if I went in and thumped on the table and ask for ten, or a nought on the end, or whatever it might be, I might lose, you know, that flexibility’. Clearly, the fact that she was a working mother affected the awkwardness she would have felt if, hypothetically, she were to ask for a higher salary. Eva, a senior partner at Fenwick & Mason, had a full-time house-husband. She was very direct when answering the salary satisfaction question:

I have not had to negotiate whilst I’ve been here, in fact they put me up when I was not expecting to be put up. Have I negotiated my salary elsewhere, probably not... Because salary has never been my main-driver, it’s always been work-life balance. It’s never just for the money; it’s a sweetener, but it’s never the first factor. But yeah, I know I don’t get paid as much as if I worked in London, I’d probably get twice as much as I’m on now. Do I think I’m worth it? Probably not. I think lawyers get paid a really good whack. [...] I think it’s a very well-paid profession; that’s why it attracts a lot of people.

What is interesting about Eva’s statement is that she believes money to simply be a ‘sweetener’ to a profession which she enjoys. Allegedly, money is not her driving force, and this is why she states she has not and would not negotiate her salary. Eva offers a unique perspective, as most interviewees – irrespective of gender, age and seniority – clearly wanted a considerably higher salary.

Whilst the squeamish attitude towards salary negotiation was consistent across the cohort, one female partner at the Fenwick & Mason was discontent with her pay packet and had previously negotiated her salary. Catherine’s experience is particularly interesting as she details the reasons why she was compelled to ask for

a raise. Various gendered issues unfold in the following excerpt:

Catherine: you're always looking for more. But yea I'm broadly happy. There are times when I've erm... I don't know whether 'negotiate' is the right word but ... I think, this year, for example, erm....and this obviously won't you know, this is all confidential isn't it, so that's alright?

Interviewer: Of course, of course.

Catherine: But because I am on four day weeks, I'm therefore getting an 80 per cent equivalent of the full time salary. But when you look at ... looking at my workloads and numbers over the past year had exceeded the amount that you would expect a full time person to do. So, it was my first year as a partner and I wasn't sure how the pay things were going to pan out. When the numbers came in and when they told me how much...what the pay rise was going to be for this year that was just a really...slightly over inflationary pay rise, and I think you use your pay rise to reflect the actual work that I was doing. There wasn't a bonus to reflect the fact that I'd done the extra work that I'd done, but I didn't feel that the bonus was really enough to reflect the extra that I had done, so I went back and had a discussion on that.

Interviewer: Yes.

Catherine: So that's the only time I've really had to negotiate. There are times when it goes up and down and you...and there are some times where you feel like you're unhappy about it. But I think broadly I've been...I've done okay. And this is the first time I've felt the need to go back and really negotiate.

It is interesting that Catherine is at first extremely uncomfortable using the term 'negotiate', yet eventually uses the word with no hesitation. Similar to previously discussed female partners, she wishes for her salary to reflect her hard work. Here, we also see the issue of billable hours targets crop up once again, alongside the problems of combining parenthood and partnership with a reduced-hours contract. These issues will be discussed in full in the next chapter.

4.7 False Promises and Price Fixing

So far we have examined various attitudes towards place and pay, but have only brushed upon the connection between gender and geography. Is it perhaps that women in the provincial PSF suffer pay cuts when moving to the LLM only to arrive and find the firms are not in fact family-friendly or flexible? Or is this issue of working outside of London affect lawyers irrespective of gender? Here, the comments of Eva, a partner at Kingsley Harper discusses this management of employees' expectations when moving to the LLM of Bristol.

She states that she has ‘to manage people that are going through that transitional phase in their life’ when they make a geographical move. ‘They get here and they think ‘this is wonderful’, and you are expecting of them not dissimilar [of London] but for less money, it’s quite hard’. I asked Eva if legal professionals believed a regional firm would have a more *laissez-faire* attitude towards work:

yeah I think it is fair to say that. And I think that some firms, including Kingsley Harper, sell that. We do...because flexibility is a really plus point in this business. There are some firms in the regions that have a hard-hours culture, but they’re known about. But others have got a softer one. We just need to ensure we maintain our momentum as a business in terms of the market share, and be effectively competitive, otherwise we will fold. So the sustainability of the business, matched against people who are working in a different city – not London – in a way that suits their personal work-life ambitions. It is not an easy equation at all, far from it. What we can offer is some balance. So you can be home in ten minutes if you live locally, and in London you cant. But dispelling the myth that it’s easier to work iswe want to recruit them, but not delude them.

What is most concerning is that Eva admits or at least alludes to the notion that the PSFs – hers included – ‘sell’ a myth of flexibility and ‘softer-hours’ culture to prospective employees. Her last comment is particularly concerning as Eva arguably infers that people being hired by regional PSFs are being deluded; drawn to the provincial PSF with false promises, yet the expectations placed on employees are no different those at top London firms.

Correspondingly, Dan, an associate at Lockhart & Co., voiced the notion London and Bristol offices of the same law firm place the same expectations on employees – but they pay £25, 000 more at his level of the career ladder:

I would say actually that the general feeling with my age group in the firm is *no*. Not happy with the salary. I know during the recession people were grateful that they had a job, and to an extent that’s still true; I do realise that in the grand scheme we’re all in an ivory tower, we earn a lot more than the average person. I get that. But I think there’s a lot of resentment at the moment that London and Bristol, if you just take our firm as an example, London and Bristol have the same billable targets, and they’re all the same deal, and they actually call it The Deal in terms of how the pay scale works and stuff, and your promotion prospects, but they are twenty-five thousand pounds more, at my level, never mind when you get five or ten years qualified. And I don’t, from what I know, I don’t think that they work fifty per cent harder than I do, or than we do. In some departments, friends of mine I know that they don’t.... it’s not their fault as individuals, like they just get paid what they’re paid, and work as hard as they work, but I think that there’s a general feeling in Bristol as a whole that it’s not enough as it should be. I mean when you’ve got the London firms that are posting their

salaries of eighty, ninety thousand at four and five years qualified, you've got guys here who are 'why am I working until ten o'clock at night then?'

Dan is angry that the LLM of Bristol was 'sold' or believed to offer a better work-life balance and this has been exposed to be a fallacy. As Dan states:

I suppose what we're all hoping for at the moment is...at the ... (I can only speak from the impressions of my colleagues and stuff) but there's a feeling that something's got to give. And at some point they're going to have to comprehensively raise the salary or change the pay scale because they struggle to ... I know that Dodson & Sons are having the same problem, they struggle to retain people after about three years, they just leave.

These legal services workers allegedly leave the Bristol LLM for the hope of a higher salary in London – presumably at Magic or Silver Circle firms. Whilst this is the viewpoint of just one individual, data analysis of the various other transcripts, as mentioned previously, directs me to the conclusion that the workforce of Bristol were significantly unhappy with their salaries and the 'work/life balance', and this may well affect LLM staff retention rates. Whilst this is a speculation in a sense, it is undeniable that Bristol employees seemed particularly dissatisfied with their salaries, disgruntled with their salaries, and generally unhappy that their provincial PSF had 'promised' them a better working life.

This leads me to a contentious claim: Bristol-based PSFs respond to the discontent of the LLM by price-fixing employee salaries. Samuel, an associate at Lockhart & Co., makes the controversial assertion:

they all meet [the partners of local PSFs]. I don't know that they know we know this, but all the heads of all the firms in Bristol meet once a year to discuss paying conditions and agree what they're going to pay each other. Um so...that's almost certainly anti-competitive [laughs] and market fixing. But that's the way they do it. They kind of discuss what they're all paying and stuff so they all know who's going to be paying what so they can all kind of, just about, bench mark it at the right sort of level.

This alleged price-fixing agreement between the Bristol PSFs may not be proven, but I must stress that I personally believed the participant to be telling the truth. Of course, engaging in such meetings violates competition law and is illegal, illicit, anti-competitive, and quite simply, unfair. Such a practice prohibits law firms from being able to compete for the employment of local legal professionals, and prevents the employees themselves from being able to expect the benefits of a free competition and the consequent variation of salaries in the local labour market. When asked subtly to elucidate further, Samuel described the

‘closed’ shop nature of legal service firms within the LLM, used in a sense to control the supply and demand of legal service sector workers. Conversely, the LLM of London is depicted as a free market:

whereas in London that could never happen, ‘cos you’ve got much more cutthroat competition between the silver circle and the magic circle, the national firms... So I mean they may well still meet up and talk and socialise, but I don’t think it’s the same sort of closed shop that it is down here. [Laughs].

This belief feeds into Samuel’s salary dissatisfaction as he believes his employer to be fixing salaries in the local labour market, thus the supply and demand of his skills in Bristol is undermined. This conceptualisation of a ‘closed shop’ is set against London, which is narrativised as a competitive, free market. Evidentially, pay and place coalesce a fascinating way here. The LLM of Bristol is perceived to be undervaluing the employee and thus migration to London to work for a ‘fairer’ PSF in a free market seems a promising prospect.

4.8 Conclusions: Pay and Place.

The aim of this chapter has been to address the complicated relationship between place and pay within the legal profession, and to investigate lawyers’ experiences of labouring outside of London. Working against the grain of many traditional human geographers, who have often sought to analyse the economic practices of elites in London, this chapter has sought to provide detailed insight into the workplace practices of non-elite legal professionals, examining their socio-spatial conceptualisations of the provincial PSF and their working lives outside of the prestigious, ‘sexy’, ‘greedy’ cultures of Magic and Silver Circles.⁴⁰⁹ As we have seen through the course of this chapter, combing the interview transcripts has uncovered some contradictory and contentious findings regarding the lives of these non-elite legal professionals. On a basic level, there are numerous findings regarding job satisfaction, salary satisfaction, geographical disparity in salaries which. On a more nuanced level, there are some complicated discourses regarding local *legal* labour markets, displacement, and professional identity formation.

⁴⁰⁹ Cook et al., p. 1744.

Firstly, I want to highlight the extent to which London looms in the consciousness of the provincial legal services worker; the City is not simply a place, but an organising principle in the perceptions of provincial lawyers. Those from Bristol who have yet to work in the City perceive London to be metaphorically paved with gold in that it seemingly offers a lucrative and glamorous legal lifestyle. Conversely, for many workers in Guildford who already have previous experience of working in the City, the provinces are a place to seek solace from the harsh reality of working at a Magic or Silver Circle firm. The provinces offer considerably less financial reward, but provide more in terms of the elusive ‘work-life balance’. Though there are complexities and contradictions to these two narratives, these are essentially the two stories that are told by (and sold to) legal services workers. Running alongside these two juxtaposing narratives, one key discourse is conveyed by the entire cohort: the prevalence of social exclusivity and homology within the profession. Whether stated explicitly or subtly inferred, all of the interviewees expressed a sense that top City law firms are overtly masculine and overwhelmingly middle-class, and that these PSFs perpetuated a culture which sought out similar candidates to recreate and reproduce elitism and exclusivity. This chimes with Cook et al.’s assertion that there is a ‘distinctive doxa’ of the ideal City lawyer, and that these characteristics define how he operates in his habitus, and how this relates back to his performance and success. As suggested by one Bristol-based employee, the London lawyer has bigger cufflinks and an overt macho persona; this swaggering man struts about his habitus with a debonair arrogance, performing an essentially fabricated and synthetic version of professionalism in order to gain respect and success in the City. Despite the distaste for London amongst half of the cohort, there was an arguably unhealthy obsession with Magic and Silver Circles amongst the other half of the cohort, which evidentially clouded their job and salary satisfaction. Arguably, the allure of London revolves around the Magic and Silver Circle culture and the fact that legal professionals place more prestige and more value on working in the City; by proxy, the provinces are perceived as less lucrative, less glamorous and less ‘sexy’.

Sommerlad’s conceptualisation of social magic within the legal profession is particularly relevant here, as she proposes that ‘[l]ike all spheres of social life, market behaviour is in practice governed by a range

of conventions and codes' which are shaped by constructions and conceptualisations of merit.⁴¹⁰ At the data shows, the behaviour, perceptions, and future plans of many legal professionals within the provincial PSFs of Bristol and Guildford is shaped by conceptualisation of merit. Ultimately, London legal life is not only more lucrative, but allegedly more prestigious, presenting the legal services worker with something which does not just pay more, but is *worth* more. This is illuminated in any accounts throughout this chapter in which both men and women convey the sense that it is difficult to establish merit outside of the City. This chimes with Ashley and Epson's argument that the 'presentation of an 'upmarket' image has become an important proxy for 'quality'.'⁴¹¹ In this respect, is also particularly revealing that Fenwick & Mason promotes itself as 'City firm outside of the City', as a PSF seemingly unbounded, unrestrained or undefinable by its postcode, and defined solely by its identity as a London-led firm, full of London-trained legal services workers. Indeed, the knowledge-intensive nature of legal work means clients in the provinces may 'find it difficult to judge the relative or absolute quality of work'.⁴¹² It is, after all, 'very difficult to evaluate, at least for those outside the sphere of the experts concerned'.⁴¹³ Therefore, 'City' in this context becomes synonymous with 'upmarket' and denotes 'quality' – this affects not just the clients, but the legal services workers too, shaping their job satisfaction, future career goals and potential plans for migration.

Drawing from Sommerlad's feminist reappropriation and re-application of Bourdieu, I suggest that the ascription of merit is a defining principle in the discourse of the legal services sector, and ultimately that 'professional excellence is "charged with masculine implications"'.⁴¹⁴ These masculine implications are evident in Sommerlad's interviewees; for example, a female solicitor observes that within her PSF it is 'difficult to establish your "merit" if you don't drink and don't have the same background so it's difficult for you to do the small talk'.⁴¹⁵ As these bonding practices are crucial to success, merit is fetishized, masculinised, and becomes 'magical'. Sommerlad coins the term 'social magic' to allude to the ethereal and

⁴¹⁰ Ibid., p. 2347 referring to Daria Roitmayr, 'Deconstructing the Distinction Between Bias and Merit', *California Law Review*, 1997, pp. 1449-1507.

⁴¹¹ Ibid., p. 221.

⁴¹² Ibid., p. 221.

⁴¹³ Ibid., p. 225 quoting Mats Alvesson, 'Knowledge Work: Ambiguity, Image and Identity', *Human Relations*, 2001, Vol. 54, Iss. 7, pp. 863-886, p. 867

⁴¹⁴ Ibid., p. 2347 citing Pierre. Bourdieu, *Masculine Domination*, (Stanford: Stanford University Press), 2001, p. 62. Sommerlad states in a footnote that 'Bourdieu's conceptualisation of a dynamic social order entails revealing the contingency of a culture's products; a consistent theme of his work, therefore, it is the need to expose the "false eternalization" of social structures that produced them', p. 2347.

⁴¹⁵ Ibid., p. 2346.

elusive way in which merit operates. In the interview transcripts discussed during this chapter, we begin to see how merit and social magic function. Take more example the female partner who has moved from London and is forced to take a £20, 000 pay cut. Her geographical move has made it more difficult for her to establish her merit and as a result of her circumstances as a single-mother, and arguably her gender, she has little 'social magic'. Such a theorisation begins to illuminate how ideologies of professionalism and merit sustain the legal professions' masculine homology, and simultaneously re-produce boundaries to women. Here, I suggest that Sommerlad's analysis of class, diversity, equity and inclusion presents a distinctly feminist argument which is particularly relevant to the provincial legal services worker, illustrating the importance of the discourse of merit and the ways in which 'social magic' operates within different LLMs, as well as the legal profession as a whole, and the ways in which these discourses may discriminate women.⁴¹⁶

The second key conclusion I would like to make concerns the *legal* 'local' labour market, or as I shall refer to it the *LLM*. Evidently, the geographical variation in salaries is a big concern for legal services workers. As discussed, the difference in salary satisfaction between Bristol and Guildford shows that past work histories shape employees' perspectives, yet there is also a more structural explanation for the fact that the LLMs garnered different results. For both Lockhart & Co. and Kingsley Harper employees, the demands placed on them by their PSFs are not necessarily place-specific, as the nature of their legal work is not dictated by their region or area. Rather, clients and cases from across the UK are shared between different branches of the same firm. For example, the Lockhart & Co. London head office passes some of their workload to the 'sister' office in Bristol as the price of labour is cheaper in the provinces than it is in the City of London. Employees habitually travel to London, move between different cities and office locations, or work remotely with London colleagues on the same project. This fluidity challenges traditional concepts of spatiality and scale, and questions whether these LLMs are necessarily 'local'. Guildford and Bristol PSFs are 'local' in that they are both provincial legal labour markets operating in the shadow of London's LLM, however, they are not locally rooted. I would argue that if we approach the geography of the 'local' legal labour market from a dynamic perspective we become more 'sensitive to the spatiality and scale of labour

⁴¹⁶ Hilary Sommerlad, Sommerlad, Hilary, 'The 'Social Magic of Merit: Diversity, Equity, and Inclusion in The English and Welsh Legal Profession', *Fordham Law Review*, 2015, Vol. 83, Iss. 5, pp. 2325 -2345.

market restructuring,⁴¹⁷ and recognise that in fact ‘there exist multiple labour markets, as opposed to one locally embedded labour market which is sub-divided into segmented labour markets’.⁴¹⁸

The existence of various overlapping labour markets is not necessarily a positive thing for legal services workers. With the increased mobility of employees, as well as the structural issues brought about by multi-operational offices, legal services workers may find themselves ‘displaced’, and potentially even ‘stranded at the intersection of three overlapping and differently spatialised occupational labour markets’.⁴¹⁹ The data uncovered in this chapter suggests there are in fact three overlapping and differently spatialised labour markets: London, Guildford and Bristol. Though the PSFs of Guildford and Bristol function differently (especially in terms of the supply and demand of labour, and also in the way they overlap with London) there is no locally embedded market. Indeed Bristol lawyers – the majority of whom had not worked in the City of London – are unsatisfied with their LLLM and are tempted to move to London to secure significantly higher pay packets at Magic and Silver Circle firms. Conversely, Guildford lawyers who had previously lived in the City of London and worked for prestigious firms had sought solace in the provincial PSF for a seemingly better work/life balance, despite a significant pay cut. Despite the variation in previous employment experience amongst the cohort, the various interview transcripts discussed in this chapter translate the notion of displacement. Bristol workers are displaced because they wish to be *re-placed*. Yet at the same, those Guildford lawyers who have been re-placed in provincial firms still voice dissatisfaction with their sense of place. Legal services workers are thus not rooted to a local area or local market, rather, they are mobile and flexible, highly aware of the opportunities waiting for them in another office of their firm, at the end of a short commute, or further down their career pathway. The physical proximity of these provincial PSFs to London, alongside the overlapping nature of these labour markets, arguably creates a precarious environment in which the legal services worker of the South can find her or himself *placed* at the intersection between LLMs. I would argue that this ‘grass is greener’ mentality voiced by many interviewees is symptomatic of the overlapping and spatialised nature of these LLMS; in a sense the legal services worker is not so much ‘stranded’ as suggested by Weller, but perhaps *displaced* and in essence uprooted (if not

⁴¹⁷ Sally A. Weller, ‘Are Labour Markets Necessarily ‘Local’? Spatiality, Segmentation and Scale’, *Urban Studies*, Vol. 45, Iss. 11, 2008, pp. 2203-2223, p. 2203.

⁴¹⁸ *Ibid.*, p. 2203.

⁴¹⁹ *Ibid.*, p. 2204.

physically, then symbolically) by the potential of greener pastures, higher pay packets, and/or an allegedly better 'work-life' balance.

Ultimately, the fact that provincial PSFs 'sell' the concept of a better work-life balance adversely affects women. Women are the ones who are expected to undertake the majority of childcare, and thus women are the ones who are disproportionately affected by the desire to work in a LLLM which allegedly offers a more family-friendly approach to childcare. What is most concerning is that – as the female partner at Kingsley Harper inferred – employees are seemingly duped or tricked into believing that PSFs in the provinces are more relaxed approach to legal services work than London firms. Potentially, women are lured into the provinces by false promises. In this respect, gender and geography collide in ways which legal scholars, human geographers and even feminist scholars have yet to fully comprehend. Arguably, women are deterred from the bright lights of Magic and Silver Circle, whilst men wish to use their 'social magic' to get ahead in the Big City. Ultimately, the data shows men are more driven towards migrating to finically lucrative places, whereas the prioritisation of childcare responsibility of women leaves them displaced in places which pay less. This gendering of geographical places and the ascription of merit to different LLMs may go some way to explaining the stark gendered pay gap between the sexes within the legal profession.

5

CAREER PROGRESSION.

5.1 Gender, Identity and the Body.

So far we have examined some of the geographical differences of provincial PSFs voiced by legal professionals working outside of London. This has opened up a discussion of how place and pay intertwine, uncovered gendered differences concerning salaries and satisfaction, and has also suggested the potentially gendered effects of the billable-hours bonuses. However, we have not yet fully examined the culture of the provincial PSF, or assessed exactly how various employment practices may discriminate against or disadvantage women. This chapter considers the complex dialectics between the body, the PSF and career progression. It brings us closer to understanding how hegemonic and patriarchal perceptions of professionalism may hinder a woman's success in the legal labour market. This chapter is thus concerned with embodied experiences alongside various *gendered practices*, including issues such as: everyday sexism, sexual harassment, fraternal networks and 'old boys clubs'. It examines the blurring of leisure and workplace lines and asks whether this may 'act to re-place women as objects of pleasure' and thus exclude them from the "serious" spaces of serious money'.⁴³³

Analysis of gendered identity is at the heart of this critique. Drawing on Butlerian theory, as well as the work of McDowell and other feminist geographers, this chapter shows how 'gendered identities are never singular nor fixed' but in fact 'fluid and complex, often contradictory, reiterative and performative [...] made and remade in social relations in the workplace'.⁴³⁴ In the various interview transcripts I shall discuss, we see examples of how certain forms of embodied identities are regarded as legitimate and illegitimate in the legal services sector. We see how the presentation of an 'appropriate' professional workplace identity is extremely important; indeed there are 'serious implications for cultural, social and physical capital and for the careers

⁴³³ Linda McDowell, *Capital Culture*, (London: Blackwell, 1997), p. 67.

⁴³⁴ *Ibid.*, p. 55

and identities of individuals, if they are to secure equal access to status, career progression.’⁴³⁵ I shall examine these ‘appropriate’ and ‘legitimate’ masculinities and femininities and consider how the performance of these gendered professional identities may affect a person’s access to status or promotional opportunities. Feminist re-appropriations of Bourdieusian theory also come into play here; arguably the body is a bearer of symbolic power and a type of ‘physical capital’ is used as currency in the legal services sector and thus an employee’s demeanour, accent, gait, style, beauty and behaviour can invariably impact their everyday working life, as well as potentially shaping their long-term career.

I begin this chapter with an analysis of the gendered differences in attitudes towards career progression. I then turn to issues of sportsmanship; looking into the ‘fraternal contact’ of provincial PSFs to discuss how gendered activities such as sport reward displays of male physicality and prowess. As previously mentioned, some scholars have suggested that excelling in sports is “the first stage of pre-law training”.⁴⁴¹ I ask if this link between sporting prowess and career progression exist within the LLMs of Bristol and Guildford, and whether there are sporting events are networking opportunities to which women are effectively uninvited. Consideration of these issues begins to reveal the extent to which the culture of the legal services industry does not create an environment which encourages women to progress, but rather one which sexualises their bodies and undervalues their work. As we shall see through the embodied experiences of women encounter casual everyday sexism, women in the workplace are constantly constructed as a source of pleasure to male employees and male clients. Examination of these gendered differences begins to flesh out the complex dialectics between power, gender and the body within the legal services sector and shows the very different experiences, attitudes, values and aspirations of the male and female lawyers in the provincial PSF.

⁴³⁵ Ibid., p. 504.

⁴⁴¹ Rand Jack and Dana Crowley Jack, *Moral Vision and Professional Decisions: The Changing Values of Women and Men Lawyers*, (Cambridge: Cambridge University Press, 1989); Rand Jack and Dana Crowley Jack, ‘Women Lawyers: Archetype and Alternatives’, *Fordham Law Revue*, 1988, Vol. 57, p. 933.

5.2 Concepts of Career Progression.

When asked about future plans and projections for career progression, responses varied dramatically across the cohort and responses were effectively split down gendered lines. The overwhelming majority of men in both Bristol and Guildford displayed high levels of ambition and a clear-cut pragmatism in their step-by-step guide to climbing the career ladder. Such is evident in the two following extracts:

Richard: well I hope to stay with this firm. So I'd like to be moving up the ladder here. The next stage is a senior associate, which maybe after five years, I should hopefully be pushing towards, if not already met, and then in the long term to be a partner...but my firm intention is to stay, to stay in one place now, to bed down and build a career in one firm, and Fenwick & Mason is one of the best firms in Guildford.

Nick: My goal coming in here was to just reach senior associate as soon as I can... Since I've joined, I've been told that there's a sort of formal process rather than promoting you when you're ready, there's an application in June, and the. They announce whether you've got it or not in around October. So I'll be aiming to do that in June next year hopefully.

Men in associate positions habitually referred to their prospective career trajectory throughout the interviews, narrativising their future moves in a clear and linear way. Many men reported specific career hurdles in the applications processes, as Duncan does above. Ultimately, partnership was the main goal or aim of climbing the occupational hierarchy:

Interviewer: so do you see yourself making partner in the future?

Ciaran: I hope so. I hope so, yeah. That's the ultimate aim...um...yeah. In terms of career progression, in being in a position where you have some sort of you know. Authority, that's ultimately what I would like, and earning more money, yeah...that's where I hope to be heading.

Analysis of the data shows that the majority of men were motivated by money and authority. For example, Liam was openly ambitious in his sentiments towards career progression, stating that in ten years' time he would 'hopefully be an up and rising new partner', and 'in twenty I hope to be managing partner. I'm just ambitious and that's what I want to do.' This type of transparency and ambition was commonly reported amongst the majority of male participants.

Only three women voiced their ambitions to make partner. This is not to infer that the female interviewees necessarily were less ambitious than male interviewees, but it is notable that they did not *voice* these ambitions. Women did not refer to the financial rewards of partnership and commonly discussed parenthood in the same context as career progression, despite not being prompted or asked. Yolande, a senior associate at Mahoney & Co. states:

well I'm an associate now. You know the next level is to become a partner, and in my last appraisal we talked about it. They don't really do a senior associate position here, so the next level is for me to become a partner and so I'd say I am working towards it.

Yolande conceptualised her career progression as inherently problematic, and discussed the disadvantages of how having children had delayed this promotion:

I started late, so I didn't get in until my later twenties and so that had an impact. I also then, after having children, worked part-time for a number of years. I've only really started working full-time again in the last two years. [...] I think if I'd have started earlier and had the six or seven year pre-kids, then I think perhaps I would earn more now. But as it happened, I qualified as a solicitor, and within a year of qualifying I had my first child, came back part-time and had another child within three years. [...] so the whole time up until very recently I've been a part-timer. I think that's had a huge impact on career progression and earning potential.

Evidentially, pay and progression are closely tied here, and Yolande presents part-time work as a significant setback to her career. Notably, she also speculates that if she had timed the births of her children with her entry in the legal profession differently, she may be in a different position within the PSF hierarchy. These issues are extremely relevant with regards to the third research question, which shall be broached in the next chapter, yet here I want to focus specifically on progression and the gendered differences amongst interviewees' conceptualisations of their careers.

The other two women who wished to become partners pre-empted the effect that parenthood may have on their career progression. When asked the question 'where do you see your career in five or ten years' time?', Megan, an associate from Fenwick & Mason replied:

yeah so in five years, five to ten years, partner. At some point I might have children...I haven't factored out a plan for that yet but erm When that happens, if that happens, that may push back becoming a partner...a little bit.

Arundhati, also an associate at Fenwick & Mason stated: 'I think this is the kind of firm where I can see myself hopefully being partner, and being here long term'. She was employed at a prestigious Silver Circle

firm for eight years previously, and ‘it was quite a hard decision to move, [...] but I couldn’t see myself making partner at my old firm, because of the culture’. This experience shaped her perceptions of how partnership would fit with parenthood, and essentially prompted her move to a local labour market as we see in the following lengthy excerpt:

Arundhati: well it’s not a problem at the moment because I’m not planning to have a family immediately! But at some point I think I will probably want to do that and I think this is probably quite a good firm to be in to have a family, because they do have quite a lot of people working flexibly [...] So I think it will be much easier to do here than at most other firms, including my old firm. So I’m not too concerned about it, but if I’d stayed at my old firm I think I would be quite concerned.

Interviewer: Yeah I see. And why would that be?

Arundhati: Well they just...they have to comply with the law, but I think that effectively...there was just this perception that if you didn’t... if you weren’t working the long hours, and you weren’t in the office late then you weren’t pulling your weight. [...] And this is completely confidential but someone in the team – not in my office but in a different office – had a child and took maternity leave and came back part-time and one of the partners said that he wasn’t sure how long that was going to last. So that was the kind of attitude. And I think that is probably very *very* common.

Interviewer: That people are penalised for being parents?

Arundhati: Yeah. For sure.

The ‘long hours’ culture and ethos of presentism cited here actively discriminates against working mothers, not simply causing partnership to be ‘pushed back’, but potentially pushing them out of the law all together. In contradistinction, Fenwick & Mason is presented as family-friendly PSFS, and thus effectively female-friendly by offering flexible working. Arundhati reports: ‘I’ve been quite impressed by how much they support working mothers’. Whilst these issues will be explored in more depth in the next chapter, it must be noted in this initial analysis of the difference in male and female attitudes towards career progression that there appeared to be little discrepancy between individual PSFs. Data analysis simply showed that men voiced more ambitions to attain partnership, and women saw parenting as inherently problematic. The common-held assumption that maternity would affect a female’s legal career progression whereas paternity would not affect a man’s was pervasive. This evidences the difference in attitudes between the sexes within the data set and may go some way to explaining gendered segmentation and stratification within the legal services sector.

5.3 Pathways to Partnership

Irrespective of gender, the pathway to partnership was referred to by many respondents as ever-lengthening – a result of recent restructuring within the profession. Austin, a senior associate at Fenwick & Mason described the nuance and uncertainty in his likelihood of becoming partner:

Interviewer: so, what attracted you to the law?

Austin: Um...quite a stable labour market. I like the idea of law as a whole, I thought about becoming a barrister, and being a solicitor offers the stability of a monthly salary and quite a clear career path, whereas being a barrister is self-employed and a lot more uncertainty in terms of future progression or partner of whatever.

Interviewer: And so do you hope to make partner at this firm?

Austin: Yeah I'd love to, yeah. I feel like, not because of this firm but because the legal market has changed, I feel as though it's a time period that's further extending. When I first went into law I would probably have thought that I could make partner at seven, eight years qualified. I'm six now, but I can't see that happening. I think it would be.... Then you make partner, but salaried partner, and obviously you want to make equity partner, and so it does feel like quite an ever-lengthening ...

It was unfortunate that it was the clear-cut career progression that first attracted Austin to the law, and yet at the level of senior associate – a time when he should potentially be presented with the very real reality of becoming partner – his career pathway was uncertain. When I probed further, I asked Austin if he believed this to be a problem characteristic to his particular PSF, or rather of the legal profession as a whole, and the effects of the economic downturn:

yeah I think it is [the latter].... maybe the whole restructuring of the legal profession has been accelerated by the downturn. But I think it was happening anyway. I remember when I started at my old firm; there was a guy there who had been made a partner at what is now DLA Piper at three years qualified. So they got taken over by DLA and he was made equity at the time and that's three years! [Laughs] And that wasn't that uncommon at the time, for people to be making partner at three and four years, so now....maybe it's also because of the culture of ...the litigation culture, of suing people when things go wrong maybe. More likely that's its actually better for everyone if you're that much more experienced before you get made a partner. But yeah I think it's partly that, and more pressure on fees from the clients. Ultimately, it's not an ever growing profession, and it was for years, so you could have more partners and add more people and grow. Well that hasn't been happening in the last few years, and even before the recession it was a growing period. Because it just doesn't make

sense that you have this really diluted partnership pool for a load of profits which maybe aren't growing at the same rate as your partnership pool so...

As he states, to make partner at three, four or even five years post-qualification would in the current legal labour market be nearly impossible. Similar sentiments are echoed by Duncan:

I think that the profession has changed a lot in the last sort of ...I would say in the last... From when I started as a paralegal to now it sort of six, seven years and it's changed a lot in the time, partially due to the recession. Expectations when I was looking to joining the profession, sort of maybe when I was in six form, choosing which degree I wanted to do. You know, the reasonable expectation would be banging on the door for partner when you're sort five years qualified, but now you've done really well if you're partner by ten years qualified.

It is notable that Duncan had previously taken a paralegal role, due to the lack of training contracts available at the time. In a sense, his career trajectory had been stretched-out, and it took him a while to get his proverbial foot in the door and attain full entry into the legal labour market. The quotes from Joseph and Austin indicate how they believed the reason their career progression was stalled was due predominantly to the recession. Amongst other interviewees' who discussed this issue, one interviewee articulates a slightly more nuanced view, stating that at Kingsley Harper the pathway to partnership was extended as 'as a result of a merger, rather than what's been going on in the legal sector'. Other interviewees' cited the various changes and restructurings of the legal profession which included: the litigation culture, the increased global competition, the creation of smaller and more concentrated partnership pools. Despite the difficulty to attain partnership in their PSF, articulated by so many male and female employees, there was no collective sense of loss or displeasure. Joseph states: 'partnership now isn't the huge reward that it once was' – especially equity partnership, 'which involves a lot of responsibility and risk that goes with it, so it would be naïve to say that it's just a great pay day and nothing else, because it's obviously not'. These perceived problems were habitually presented as external labour market issues as opposed to institutional problems within the PSF, and the ever-growing nature of the profession which cannot accommodate for everyone 'at the top'.

Interestingly Gwyneth, a senior partner at Atwoods, was in fact currently considering becoming an equity partner. She was extremely cautious of the financial risk this career progression would entail:

becoming equity partner is quite a serious consideration because it's not just about kudos, it's about whether it financially makes any sense. It's an investment that you're putting your money in, and unless you think the firm is basically making the right sort of bucks, you're not going to get a sufficient return. So it's something you have to think about very carefully. It's something that is potentially on the cards here, but up until now, I've probably not

thought it was not a good idea, but I might change my mind on that one. But I do like a degree in management and responsibility. So it's good being team leader. I like organising people, and bossing them around probably! [Laughs].

Of all the interviewees, Gwyneth was the only woman who spoke so transparently about her motivations to make money and hold a position of management. As the most senior of the interviewees, she had been a partner for over fifteen years. Her idiosyncratic career and viewpoint is offered here:

I suppose my career is unusual in that I, as I explained earlier, I had to do my degree again. So I suppose it was a bit of a slow and faltering start, but once I did qualify, I was a partner within the year, so that was unusually quick. And I've been a partner now, as I say, it must be about fifteen-odd years. [Pause] Could I have advanced further? Being absolutely honest and realistic with myself, possibly I could. It would probably involve going up to town, but to be honest with you I just couldn't be bothered. I do like a bit of a work-life balance. And I think it's probably not uncommon to a lot of solicitors that there comes a point in your life when you think 'hmm should I convert to being a barrister'. I had that thought when I was about forty, but when you look at the work-life balance of barristers you think 'grief, oh no'. [...] Yeah. It's probably laziness on my part. It's nothing to do with inequality or anything like that. Do you know I've *never*, in the whole of my career, encountered any form of biased prejudice or inequality.

There are a multitude of interesting factors here: the fact that Gwyneth joined the profession at a time when becoming a partner within a year was feasible, her strong stance on personal responsibility, the mention of converting to the Bar. All these issues invariably mark Gwyneth as strikingly different to the other female interviewees. Yet I think what is most striking is the question she poses to herself: could I have advanced further? Looking back on her career, she concluded that she could have, but does not take the fact that she had three children into consideration. In her conceptualisation of her career history, it is solely her own 'laziness', teamed with not working in London which hindered any further advancement, say for example for her to reach the Bar. What is particularly telling is that she specifically states that it is not prejudice or inequality that held her back – it is interesting because the question was simply to describe her career trajectory. Gwyneth presents an anomaly in the data collected from female partners as she was extremely resistant towards talking about gender. Her conceptualisation of career progression is the evocative, as she has had an illustrious career, and of all the interviewees' had the most years of experience in the legal profession. Gwyneth's career history was far removed from others – she arguably started her career during the Golden Age of the legal services sector – before the big influx and the profession arguably suffered from the incidence of over education.

Another unusual career progression story is that offered by Benedikt, who had previously trained for the Bar, but could not obtain pupillage and thus re-trained to be a solicitor:

so I started off...I trained as a barrister. I joined...I applied for pupillage, and didn't get pupillage first time round. As a result of that, when I was called to the Bar I went as a paralegal to the Office of Fair Trading, and I did some big appeal cases with them. That was interesting work and I ended up staying there, re-qualifying as a solicitor through the qualified lawyers transfer test, which is a specific route you can take, and fairly easy to requalify as a solicitor if you're already a barrister, I think it's harder the other way round, which is probably a historical anachronism to some extent [small chortle], but there you go.

Afterwards, Benedikt took a governmental role for two years, before moving into private practice, and coincidentally securing a job at the much-mentioned Bristol firm Dodson & Sons. He stayed at the firm for five years and then a position came up at Fenwick & Mason in Guildford:

the opportunity arose to head up the competition and regulatory team here, so I thought it was too good an opportunity to miss. I knew someone at Dodson & Sons who was working here at the time so it was quite useful to get a real insight and perspective on the firm. It seemed like a good move, and it proved a good move as I've been here now for five years.

The fact that Benedikt's transition from the Bristol to Guildford legal labour market was facilitated by a colleague at the firm is indicative of the way in which informal networking and connections can often be hugely beneficial to an individual's career. As he states himself, it was useful to get a 'real insight' into the culture and ethos of the PSF. In a sense, he gained coveted, insider-information. So if these types of connections can be so crucial when legal services workers make a career move, then how and where are these types of relationships forged and maintained? Arguably, a lawyer must network, network, network. Not only must they establish professional relationships with colleagues at other PSFs in their local LLM, but also in the LLMs in which they may hope to move in the future. Moreover, to obtain partnership, legal professionals are expected to 'pull in' new clients.

5.4 Sportsmanship and Old Boys Clubs.

In the interviews, an overwhelming majority of male associates discussed the various sports and social activities which they engaged with to either build and maintain their professional networks, or attract clients to their PSFs. Benedikt stated that he takes part in events such as ‘golf-days, climbing, mountain-biking, tennis playing’ and other competitive sports. Joseph, at Kingsley Harper stated: ‘as a firm we’ve got football teams, netball teams, we play touch rugby occasionally, and there’s usually golf days on’. Golf seemed to be particularly popular, indeed Richard states: ‘I’ve played in a golf event with the firm, already, in my first couple of weeks’. At Lockhart & Co. in Bristol, there was a preference for touch-rugby and softball, as Dan and other associates in his cohort expressed. Duncan plays for the local Rugby team: ‘well the local rugby club that I play for is um...is full of professionals, so rather than go down the golf route, that's quite helpful. It's full of other lawyers, accountants, surveyors, that sort of thing’. Vince and Samuel also mentioned being a member of this club. They inferred that these were informal, relaxed ways of creating and maintaining contacts with colleagues at other PSFs. Interviewees articulated a blurring between the lines of personal and professional networks:

Interviewer: And do you belong to any formal professional networking groups?

Vince: um. I go to one called the Rugby Business Network, so it's essentially normal networking for anyone that is interested in rugby as well. But it doesn't necessarily... You don't go along and chat rugby, it's just that ...you might have similar interests, so you might get on with people, chat about work you know....

Interviewer: Is it men only?

Vince: No.

The last reply was very abrupt, and for the first time in my interviews, I had clearly disgruntled someone. Afterwards, I took a look at the Rugby Network Group website. It is an organisation with twenty-five thousand members across fifty locations in the UK, which aims to ‘connect people with a passion for rugby’.⁴⁴⁵ I do not suggest that the organisation itself is exclusionary towards women in any way – indeed many women participate and enjoy watching and playing rugby. However, it is clear that in the context of the

⁴⁴⁵ This is the quote on the Rugby Network Website. For anonymity, I shall not add the HTML. Note that a pseudonym has been used.

Bristol LLM that membership such an organisation was being used by male employees as an informal professional work to maintain professional relationship with other male colleagues, make new contacts and potentially attract new business. So many men mentioned the club, and notably none of the women.

Data analysis of female sports showed that women simply do not have the same type of ‘clubs’ to attend. Whilst some women were engaged with ‘extra-curricular’ activities within their PSFs these seemed mainly to be for the purpose of enjoyment and friendship as opposed to business network development. This gendered difference is evident in the following quotes:

Charlotte: so yeah, I play netball. I could play golf and squash but I don’t do that. So netball we have training once a week, then matches on another night of the week[...] In theory it’s mixed, and at the beginning, there were quite a few chaps who signed up to it...but erm up until about a month ago, two months ago, there was only one chap who was still on it.

Arundhati: Well there’s lots and lot of things going on. When I first joined it was like Fresher’s week at uni, people telling me about netball, and table tennis – there’s a table tennis league – and I think people play football, and there’s a choir, and Pilates, and weight watchers. I haven’t joined any of them!

There is an absence of the discussion regarding networking and making contacts which was so prevalent in the male interviewees’ transcripts. It is also notable that considerably less women voiced an interest in sports than men; the above two of the few quotes amongst the female cohort, whereas almost half of all men interviewed showed an avid interest in sports and professional networking, both inside and outside of the PSF. This arguably creates spaces in which women feel unwelcome, as described by Catherine, a corporate lawyer at Fenwick & Mason who here describes the male-centric nature of the various events she attends:

you know corporate ... financial advisors and accountancy practices or finance practises, again predominantly male, it’s a very masculine, macho, boys going out drinking, playing lots of golf kind of environment...And I know women play golf but they don’t know as much of it! [Laughs] And the people that you’re talking to, the clients are senior executives in large corporates, or they are entrepreneurs who have set up their own businesses and are now selling them onto other people, and against those people are predominantly male. So all of those groups of people, there are some women, but not a lot. And so to get a group of people in the room, it is...still not at all unusual for everyone in the room to be male. Apart from me! [Laughs].

Evidentially, this ‘corporate’ culture is one which revolves around sportsmanship, male success, and laddish ‘boys going out drinking’ bonding activities. It is unsurprising that Catherine feels excluded or at ill-ease in these ‘very masculine, macho’ environments. What is concerning is that a female partner, her attendance at performance at these events is an integral part of her role at the PSF. These are the (in)formal networking

practices at which legal services workers impress their opposition, attract new business and of course maintain and build relationships with colleagues. The other female partners vocalised similar feelings of being the ‘only woman in the room’ or the ‘only woman at the table’, though there was not enough evidence to build a solid conclusion on how this may affect their career progression, it is undeniable that these networking opportunities are highly gendered and in many sub-sectors of the law (such as corporate) are dominated by men. It is not that women are uninvited *per se*, but more that they are feel unwelcome. Though this is a subtle and nuanced finding, it is significant and may point towards the missed networking opportunities of women in the legal services sector.

A considerable majority of women interviewees believed that the legal profession was dominated by men who formed informal networks and ‘Old Boys Clubs’. Eva, a partner at Kinglsey Harper was particularly vocal about this issue:

I think that it’s very true that it’s a still an Old Boys Club. When I was a trainee, and in my team now there’s – and I can think of at least three or four other departments, big departments – where you have all male partners and all female senior associates and female lawyers. The glass ceiling is not a myth, it’s one hundred per cent there because we see you know ... The numbers speak for themselves, the number of partners at this firm is not great, and I mean I don’t think it’s worse than any other firms, but it’s worse than other industries.

What is particularly interesting in this excerpt is the reference to the glass ceiling. The interviewee infers that Old Boys networks affect career progression, and that women climbing the career ladder face some very real barriers in their pathway to partnership. The existence of this glass ceiling, according to the interviewee, is unequivocal; it is ‘one hundred per cent there’, evident in the composition of the partnership pool at Kinglsey Harper. Conversely, the partnership of Fenwick & Mason was made up of over 40% women. This may explain why women at the firm did not vocalise their displeasure with male dominance. However, though this woman was one of the few interviewees who articulated her arguably feminist beliefs, these sorts of sentiments were common amongst the Bristol cohort.

It was not only women who described Old Boys Clubs; descriptions of the entrenched elitism of the legal services sector were vocalised by men also. A prime example of this is offered by Liam, who believed the legal profession to be extremely archaic:

like all the old school...all the old school firms are the next stage for all the boys that went to the top public schools, or the army, or whatever it is. All the old institutions...the old conservative institutions in the country, it's just a natural progression for them. They go into finance, they become the investment bankers, or the stockbrokers, or the lawyers. And that's just what happens. And it's been going on for so long, it's so deeply entrenched that is hard for them to break away from it, despite giving lip service to equality and all that kind of stuff.

The discourse here is one of the importance of class, prestige and history, highlighting the profession which merely plays 'lip service' to notions of social and cultural equality. Liam told me that he was a first-generation university-goer and was from a working-class background. As we see in the following extract, this shaped his personal experiences of the R&S process at a top London firm:

Liam: I really think it's one of the most backward professions in the country.

Interviewer: Oh do you?

Liam: Yeah I do. I think it's very hard to get into. I think whereas most other I know people are *trying* to be inclusive, these law firms, but really they're going backwards if anything. I think that's the consensus amongst lots of people. When I went to one interview at a city firm, I got asked by the partner whether I went to Oxford or Cambridge, then when I said Nottingham, 'really, well what school did you go to?' and I told him I went to state school, he said 'what!' and then he asked me if any of my family had been in the legal profession and I said no and he just couldn't believe it, he went 'what! Not even a father or an uncle, this is ridiculous!' and I honestly was wowed. You're up against it from the start. [...] he just couldn't believe that anyone was trying to get into a top or twenty law firms in London and hadn't gone to Cambridge who wasn't from fifteenth generation legal legends and yeah... it just shows how backward a lot of people in the industry still are.

This experience highlights the un-meritocratic nature of the London PSF at which Liam was interviewed. The patriarchal and pompous partner who is interviewing him is shocked that a candidate who isn't from a traditional legal background would even apply to a top London firm. Whilst this may not reveal anything specific about provincial PSFs, it is telling that Benedikt, a male partner at Fenwick & Mason stated '[p]roportionally we have significantly fewer than Slaughter & May but [laughs], relative to other businesses, I suspect we do have a high proportion of Oxbridge'. Arguably, this propensity towards 'elite' candidates is a legal labour market behaviour or practice 'governed by a range of conventions and codes',

which are ‘shaped by constructions and conceptualisations of merit’.⁴⁴⁶ For some solicitors, it is difficult to establish their ‘merit’ in this context due to their social, cultural or educational backgrounds. What is interesting is that the importance of merit applies to men and women. Evidentially, the elitism of the profession is very much governed by class as it is gender, and potentially discriminatory practices within the hiring practices of law firms can disvalue male employees just as they can women.

Further data analysis uncovered how closely issues of class and gender equality were linked when interviewees discussed their careers and the R&S processes of law firms. There was not a very high level of consistency amongst viewpoints; amongst most interviewees, there was the belief that the legal profession was un-meritocratic, yet a considerable minority held the view that it was relatively fair and meritocratic. Interestingly, there was often a real unwillingness in interviewees to state the gender-specific nature of the legal profession’s elitism. Take for example Emma, a junior associate from Fenwick & Mason who discusses the hiring practices at her previous PSF:

one thing that changed at Pincent’s is when I joined they seemed to be more interested, more willing to take people from uni’s like Southampton and Exeter, whereas now my husband says that the vast majority are Oxbridge, so it is becoming sort of even more elitist. But I do think that’s an intellectual snobbery rather than an Old Boy’s Network.

The quote is interesting as she implies that somehow candidates who were students at Southampton or Exeter are deemed unworthy, seemingly not of high calibre of a Magic Circle firm employee. This chimes with Cook et al.’s insistence of the importance of homology in top London firms.⁴⁴⁷ Arguably, this is a very British problem – and potentially one which does not affect legal services workers in other countries. Benedikt had a particularly interesting and somewhat objective viewpoint as he himself was European and was not brought up in the UK:

you have some really weird basic class systems which are anachronisms or traditions based on many generations that are part of the British psyche that perpetuate inequality. And I think it’s beyond the scope of any law firm to do anything about those factors. I think the law firms’ sole obligation, in some ways, is to make sure it has a fair recruitment system, which takes into account people that aren’t just their experience, or the way that people are

⁴⁴⁶ Hilary Sommerlad, ‘The ‘Social Magic of Merit: Diversity, Equity, and Inclusion in The English and Welsh Legal Profession’, *Fordham Law Review*, 2015, Vol. 83, Iss. 5, pp. 2325 – 2345, p. 2347.

⁴⁴⁷ Andrew C. G Cook, James. R. Faulconbridge and Daniel Muzio, ‘London’s Legal Elite: Recruitment through Cultural Diversity and the Reproduction of Cultural Exclusivity in City Professional Service Fields’, *Environment and Planning A*, Vol. 44, 2012, pp. 1744-1762.

currently, but people's potential and doesn't merely assess people based on some other class stereotypes.

Benedikt is responsible for a large team of approximately twenty people; assessing their billable hours, work-based rewards, annual reviews, and pay scales. Whilst he offered an eloquent and insightful discussion of the British class system, he voiced the belief that it is not within Fenwick & Mason's 'scope' of responsibility to address inequality within the culture of the PSF. Although he believes it is the firm's 'obligation' to have a fair recruitment system, he displays no regard for what happens after an employee actually joins the firm. This lack of recognition for the practices and processes which shape legal lives is important. Ultimately, the absences and omissions in interview transcripts such as this speak volumes; Benedikt holds a privileged position of power in his provincial PSF and appears to have no concern for the inequalities which exist within the profession, and the various hurdles which men and women must overcome to climb the career ladder.

Interestingly, there was a subtle geographical variation in the class and educational backgrounds of employees that I observed during data collection. Many of the Guildford employees had come from London and some from Oxbridge or other Russell Group universities. The majority were middle to upper class, well-spoken and exceedingly well-presented. Many Bristol solicitors had attended State school, and indeed one woman identified herself as a 'Bristolian'. Peter describes how he believed in Bristol market to be less dominated by elitist patriarchs:

yeah, they are few and far between, and they are getting less of them. They are, (I don't know how old you are), but they are of the age of my parents, so late fifties, early sixties. And tend to have a more formal outlook on life, whether that be through public school education or military career or something like that They. Their wives don't work, their kids have gone to boarding school, they are...old type middle-class. Most of the people here are not like that. They've had to make their own way in the world to be successful, rather than be given success if you like. The partnership at [his previous PSF], three of the partners, their Dads have been partners before them. Whereas there were very few I suppose what I call self-made people. All of the three partners in my team [at Lockhart & Co.]; all three of them went to state school, comprehensive school, [...] and it's that. That's meritocratic, you're judged on how you perform, which I think it the only way of dealing with it. [...] I think that comes from their being more women at higher levels, even though they are still in the minority, women don't seem to do business like that and they're much more open, open, true to people as they find them, they're not the funny handshakes brigade. That's an extreme example. So... it is still quite a conservative profession with a small seat in terms of the people that go into it. They tend to be quite risk-averse and quite competitive and

perfectionists, but they're notthey're not Old Money. I don't know if that's the right way to describe it. There not from traditional wealth, they're more people who have just been successful on their own merit, whether that be academically or entrepreneurial.

This monologue is extremely telling of the workplace culture and the collective attitudes towards class and meritocracy. It is also very interesting as the male interviewee displays what can reasonably be described as a feminist point of view. Unpermitted, he brings in the subject of female representation, which he evidentially believes to be positively impacting the legal profession – and specifically his PSF. The inference is that having a higher proportion of women at partnership creates a fairer and more transparent workplace culture, which facilitates progression not just of women, but men too; people are 'successful on their own merit', not from their social, cultural or educational backgrounds. This interviewee was undeniably a pleasure to listen to, as he clearly believed that the legal profession as a whole was benefiting from the trickling of women into the higher echelons. Though he was the only man who voiced a positive perspective towards having more women in positions of power – he was in fact the only man who raised this as an issue of concern –it was refreshing to hear a perspective which championed female empowerment. Unfortunately, the picture presented by many women was very different.

5. 5 Sexism and Body-Based Scrutiny.

When asked if they had ever witnessed or experienced any type of sexism within the legal profession approximately forty per cent of the male and female interviewees answered affirmatively. The majority of female responses stated that sexism from co-workers was not a common occurrence, but that sexist behaviour was often displayed by clients. The nature of this sexism fell across a wide spectrum. Dianne, a partner at Kinglsey Harper, stated that men often direct their discussions towards other men and that despite her seniority she did not gain their attention or respect:

yes it hasn't happened very often. It's not necessarily the partners, it will be the clients. So I've had a situation where I've had a client, where I've been the partner in the room, and I've been with a one year qualified male, and they have spoken to the male the whole time, despite the fact that they know. That will irritate me, and I'll be really surprised by it, because I don't come across it very often.

Other partners reported more ‘overt’ sexism. Eva for example recalls the absurdity of the comments she has overhead:

I mean amongst our clients there is some really overt sexism, and your toes would curl at times, and you think ‘that’s ridiculous and stupid’ or ...but they’re clients and people that you have to work with and you think ‘really? Moving on...! There isn’t equality as a baseline anymore.

The most serious cases reported were not verbal but physical in nature, as demonstrated by Catherine:

you know I have had clients who havegot colleagues who have open harassment from clients. You go out for the deal dinner and they’re trying to chat you up and put their hand on your knee and stuff ...as you’re...you know at a celebration dinner. Or they’ll ask you inappropriate questions..... [inaudible] kind of... So, it’s that sort of...and because it’s sort of male-dominated environment, you still have to deal with that sort of thing and it’s much harder for younger women because, probably, you’re more attractive, and (laughs) and because you ...you still feel like you have to prove yourself.

These various quotes present a range of inherently sexist behaviours; from the ‘everyday’ visual ‘looking’ (a seemingly intangible discrimination), to verbal, ‘overt sexism’, and the allegation of physical sexual harassment. In the last excerpt, the correction made by Catherine from ‘I have had clients’ to ‘I *have got* colleagues’ led me to believe that she was not in fact recalling the experience of a colleague, but that of her own. In the interview, through her body language, and the intonation in her voice, it seemed she was recalling an uncomfortable and demanding experience of her own, not someone else’s. Though this is of course extremely concerning, evidence of physical harassment was a rarity in the interview transcripts, and only reported twice. Most often reported was sexism of a verbal nature from clients. In each and every instance, clients’ sexist behaviour was reported to have upset and offended the female legal professional concerned.

Two of the female partners reported misogynistic or macho sentiments from colleagues – notably partners in their current PSFs. Interestingly, inappropriate comments or behaviours prompted a variety of certain ‘coping mechanisms’. Eva states:

there are moments where I’ve just thought ‘you are a misogynist’... I’ve had those experiences, and rather than take it on, I think ‘I don’t think you even realise you’re a misogynist, I’ve just got to get around you, or deal with it’...and I think looking at it that way.

When referring to an equity partner meeting she later states ‘there is no point in taking points in a meeting or in all circumstances, you think “there is a lot to be done here, but this meeting is not going to change the

world” and therefore, inch by inch...’. Evidentially, her response was not to ‘take it on’, (i.e. the misogynistic behaviour) but to move on with the meeting. Diane, a female partner, chooses a very different coping mechanism for dealing with a difficult male colleagues, which she divulged during her interview, in which she whispered rather coquettishly:

you just have to learn how to manage men, which you have to do in life anyway, you just find yourself doing it. I remember once I was having a difficult conversation in billing with the bully male partner, and I was in with the accounts lady and afterwards she said ‘you actually fluttered your eyelashes’, and I wasn’t aware I was doing it! I used to mock him gently, but in a nice way, and he wouldn’t really know how to take it, and it probably didn’t do me any favours, but it’s just...you learn coping mechanisms. You can sense from a mile away if someone is looking at you. There are incidents where you’ve been treated as a sex object more than anything else, and someone makes a pass at you or whatever, and you just have to learn to deal with that.

Diane states that this type of incident is a not common occurrence ‘and again, it’s not something that happens very often, but it has happened, absolutely, but not since I’ve become more senior’. Nevertheless, what this data shows is that there are numerous ways in which gender – and specifically femininity – has shaped workplace experiences for the women who were interviewed, notably prompting various coping mechanisms and a heightened sense of self-awareness. Whilst some may argue this type of flirtatious behaviour is inflammatory to the situation at hand, the wrong way to deal with a ‘the bully’ [i.e. the bullying male colleague], it is important here not to cast aspersions or judgements onto the interviewee. What is significant in this extract is the act of looking; the voyeurism felt by the female legal professional, and her experience of becoming a ‘sex object’ in the eyes of her colleague.

Many women reported that they had experienced a heightened sense of self-consciousness and body-awareness at work; these women consequently changed their physical appearance accordingly, in order to convey gravitas, professionalism and seriousness. Most commonly, women stated that they had dressed conservatively to create a certain type of professional persona; to portray the impression of being demure, intellectual, serious and not overtly feminine. In the following lengthy excerpt we see the way in which Catherine believed her professional persona was intrinsically linked to her image:

I sense[d] it when I was much younger, when I need[ed] to give the impression of gravitas, and give the impression of seniority and of being taken...of trying to be taken seriously. I think as a genuine thing that women ...for that if anything ...in this sort of job, to dress more conservatively, more boringly....Especially if they are younger, because blokes seem to be taken seriously anyway. And they are already, automatically, in a basic suit. Whereas if you

get women... if you're a young and attractive woman and you're dressing fashionably, you might get taken less seriously. You get that sense, you know...you don't automatically come across as someone who's heavyweight in the sort of corporate sense. So it is something you have to be aware of. And it comes down to all sorts of things. ...err It's how you dress, how you come across, it's how you talk, it's how you do your makeup, it's you know, what kind of accessories you wear...It comes down to...er its... My level or paranoia about it when I was a younger lawyer was such that I stopped highlighting my hair, and dyed it dark for a few years because I thought well. You know...people with dark hair will get taken more seriously. I'm not sure whether it made any difference whatsoever, but you're constantly aware of that sort of thing as a female lawyer that you perhaps wouldn't be as a male lawyer. Because you're quite often the only woman in the room.

These types of comments pertaining to the body and beauty were only voiced by female interviewees; men did not report the same sort of self-scrutiny and appearance-altering tendencies as women. As Catherine states above, her heightened sense of self-scrutiny is so extreme that she changes her hair colour to brunette in an attempt to be taken seriously. Moreover, she dresses 'conservatively' and 'boringly', resisting clothes that are fashionable. Catherine presents an image in which the employees' hair, dress, accessories and even make-up to be under close observation, as well as the various characteristics regarding behaviour and accent, body language and deportment, 'how you come across' – all are a risk to gravitas, seriousness and seniority for women but not for men, who are somehow, by default, already authoritative and serious in a plain suit.

Drawing on feminist reappropriations of both Foucauldian and Bourdieusian theory is useful here. Firstly, Bartky's analogy of the Panopticon seems particularly relevant, as it shows how an internalisation of the (male) gaze can produce a heightened sense of self-consciousness and an obsession with appearance:

[t]he woman who checks her make-up half a dozen times a day to see if her foundation has caked or her mascara run, who worries that the wind or rain may spoil her hairdo has become just as surely as the inmate of the Panopticon, a self-policing subject, a self-committed to a relentless self-surveillance.⁴⁴⁸

This feminist concept offers a way of understanding Catherine's pursuit to appear 'serious', which has arguably caused her to become a self-policing subject, committed to the project of self-surveillance. In line with the feminist and Foucauldian argument made by Bordo here, I suggest that the legal labouring body is not just a text of legal services culture but under the 'practical, direct locus of social control' within the PSF.⁴⁴⁹ The PSF dictates what is 'appropriate' and 'legitimate' clothing, and the employee adheres to this strict code of

⁴⁴⁸ Sandra Lee Bartky, *Femininity and Domination: Studies in the Phenomenology of Oppression*, (New York and London: Routledge, 1990), p. 80.

⁴⁴⁹ Susan Bordo, *Unbearable Weight: Feminism, Western Culture and the Body*, (California: University of California, 1993), p. 165, author's italics.

dress in order to be perceived as pliable and conservative. Such sentiments are shown in Catherine's comments:

my firm didn't like me wearing trousers...no one ever said anything, but you could tell. And actually it wasn't that long ago that you weren't allowed to wear trousers in court. So, nothing has ever been formally said but...

There is evidentially a dichotomy; to look conservative and play down femininity, whilst simultaneously not looking 'too masculine' by donning trousers or suit-like clothes such as those worn by men. This chimes with Haynes' deconstruction of the various different constructions of masculinity and femininity within the context of professionalism as evidentially 'different sets of performative criteria for men and women' exist, 'so that what is regarded as professional for a man may be regarded as too masculine for a woman'.⁴⁵⁰ Haynes articulates the problem using Bourdieusian terminology: 'if only certain forms of embodied identities are regarded as legitimate, there are serious implications for cultural, social and physical capital and for the careers and identities of individuals'.⁴⁵¹

Intriguingly, it was not only female interviewees that reported the allegedly voyeuristic, chauvinistic and misogynist culture of the legal profession. Dan, a male senior associate at Lockhart & Co. states that in his previous PSF: '[t]here's a lot of testosterone and egos flying around as a result of it' [the dominance of men], including 'fake flattery' and the 'playing of political games'. Nick, a male associate at Fenwick & Mason perceived the male culture to be significantly worse in Magical and Silver Circle firms. He described an extreme everyday sexism in the City of London legal services sector:

I mean most of the big firms, everyone they take on corporate is quite alpha male blokes, people that are good at rugby, who can go for beers with the clients, and I've seen instances of when they take on women just because they're really attractive.

According to Nick this machoism defined the workplace culture in many PSFs: 'I mean there was a hell of a lot of like perving going on'. Furthermore, this sexist culture extended to out-of-office hours activities, spaces and places: 'all around the city you'd see the boys going out into the city at lunch for champagne and wine and then going out in evening and just lording it up!' This voyeuristic culture sexualises women within the

¹⁶⁰ Ibid., p. 501.

⁴⁵¹ Ibid., p. 504.

workplace, degrading their status to mere objects of desire. In Nick's conceptualisation, this type of culture was symptomatic of London law firms, and something which Fenwick & Mason is exempt from; he later states in his interview that it is not present in his current PSF: 'not here, certainly not here'. contradicting this, the previous allegation from the female partner Dianne that 'it has happened, absolutely' casts doubt on the veracity of this claim. Arguably masochistic 'perving' (i.e. looking at others in a sexually predatory way) is not taking place solely at London firms. Furthermore, whilst men may be appealing to recruiters because of their 'alpha' qualities and sporting prowess, attractive women are allegedly recruited solely due on the basis of their physical appearance. This type of 'positive discrimination' does not present a promising picture for women attempted to progress through the legal profession. Evidentially, women are sexualised, harassed, and constantly placed under the scrutinous gaze of the patriarchal PSF.

5.6 The Struggle to Juggle

For those women who do make it to 'the top', they are faced with a whole host of problems in their personal and professional lives. Numerous interviewees vocalised these problems. As Dianne stressed in her interview, the type of women who do 'make it' to partnership level allegedly do not make good role models:

the difficulty is that the women who've got to the top had it very hard and – excuse my French – but are absolute bitches, so you don't want anything to do with them! [Laughs] That will even itself out as women go up the chain, and I think that they will, and I think that there is a focus here, on alternative career paths, for those who don't think they can be a partner, and fit that in with their work-life balance, but they still want to get to the top of the tree, and how do you facilitate that? There's a real wiliness to try and do that, but it's not an easy answer.

Allegedly, the 'absolute bitch' character is changed and hardened by the climb to the top of the career ladder. She is not someone most female employees will want to associate with on a professional level. Arguably, she can consequently hold women back from progressing within the legal profession. Another key 'problem' according to Eva is that the legal profession is so focused on pleasing the client:

because lawyers are so client-focused, it's hard to build in ... nowadays people expect the mother to have the work-life balance situation and I think it's hard for clients, and maybe clients would accept it, we don't know, but it's hard for firms to say 'this is how it's going to be, client, this woman partner isn't going to be available on a Thursday'. So I think women are very wary to make their choices and to give up their entire life, and I see women partners and they work...you know I'm sure men partners work equally hard but with women I can see in them such a struggle, it looks like they're really *struggling* with having to make this choice, being away from their kids, always having to be on their Blackberry's, working late, working weekends. It's not pleasant. And men do it, and I don't know how, somehow they make it look easier. Maybe they have a supporting wife at home or something – I think that may be a big part of it. We have women senior associates who are quite senior, you know very qualified, *struggle* with childcare and *juggling* everything. Whereas men, they can stay in meetings, stay up late, because they have a wife. But a woman's husband is usually working as well. So I think until it comes to the stage where everyone is working, which is not necessarily how it should be, but it should be more accepted as maybe you know... Personally, I've had comments about getting pregnant. I'm not and have never been pregnant. We get a lot of comments in our team – because we have a lot of home workers and part-time workers and women with children – so we hear mumblings from partners 'oh another pregnant one'. Apparently a partner sent an email when we were hiring saying 'I've had enough of these part-time young women, these part-time mothers, like get an ambitious young man'. And I've had people say to me 'oh ha ha when are you going to go on maternity leave', 'you next', and things like that. You would never say to a man 'can I send you on this case', it's not even a question, because he'll be working still. So yeah you do get those things. You do.

This extract presents a wealth of information about the culture and ethos of the profession – and potentially the PSF in question. Firstly, there is the issue of client-pleasing; in the scenario presented above, the PSF is unwilling to shape the demands placed by the client for the benefit female partner. Secondly, is the much-cited 'truth' that male legal professionals in positions of power have a supportive stay-at-home wife; the picture that is provoked not just in this statement, but in many other transcripts is that of a patriarchal domestic 'bliss' in which a Stepford wife character stays at home, shouldering the work woes of her lawyer husband, cooks, cleans and raises the children. Ultimately, there is this belief that male legal professional works hard and breeze through their professional lives because his family is being taken care of. Conversely, women toil, trouble, juggle and struggle.⁴⁵³ Yet of most concern in this above extract is the presentation of maternity leave being a detriment to the way in which women are perceived amongst their professional cohort; being chided for potentially having a baby. The fact that the male partners at Kinglsey Harper allegedly sent an email complaining to other members of the partnership about part-time mothers; effectively

⁴⁵³ This is consistent with themes of Ivana Bacik and Eileen Drew's paper 'Struggling with Juggling: Gender and Work/Life balance in the Legal Professions', *Women's Studies International Forum*, 2006, Vol. 29, Iss., pp. 136–146.

highlighting the ‘problem’ women present to others in position of power is horrifying. These male partners are potentially shaping their recruitment practices to discredit women who are mothers, mothers-to-be and even mothers-of-the-future.

Often within the interview transcripts, the issue of maternity leave was presented as a conundrum; whilst it hinders promotion to partnership this was perceived as being justifiable. Here Dianne recounts a recent story of a woman she had been mentoring:

it’s very difficult...someone who I’m mentoring has just come back, and she’s just had her second child, so she’s been off for maternity leave, and come back for six months, and gone off again and had another one, and she’s saying she’s come back to find that all of her clients that she’s servicing have been handed out to other members of the team, and they’re not handing it back to her now, and she’s at the same level of qualification as two other colleagues who have been made partner, and she said ‘I just don’t think I’m going to get partnership’ and she said ‘I’m going to be really pissed off I don’t get partnership’. But from their point of view, she’s been out, she’s been out of the office for a year, we’ve been working hard, we’ve been bringing in the fees, why should she just be put up. It’s a real *real* conundrum.

The way in which the maternity breaks are conceptualised here shows how the mentor believes that her mentee, (the woman who had taken a maternity break), has no right to be ‘pissed off’ if she is not offered partnership. There is the inference that the mentee is somehow self-entitled. The rhetorical question: ‘*why should she just be put up*’ presents the problem at the very heart of this gendered discrimination. Because of the long-hour culture and the client-pleasing tactics of the PSF, there is a real animosity (which borderlines on outright hostility) towards women who have been ‘out of the office’. The over-arching discourse is that women who take time out have children do not *deserve* career progression, as the interviewee herself conveys in this telling statement.

Another partner at Fenwick & Mason held some patriarchal and potentially problematic views on progression and female representation. Benedikt took it upon himself to talk about the ‘trends’ within the legal profession within the interview:

so in terms of women, what are the trends we see? I guess we see a fairly large proportion of women entering the profession, probably higher than the national average, and we see a much smaller percentage who make it to senior levels of the profession. I suspect that’s a situation which has been steadily improving, although with small improvements. I suspect that that’s a situation which is going to continually improve, as all our lives become more flexible and ruled by technology. But there are areas within that that are unhelpful, for

example being available one-hundred per cent of the time, etcetera. Is it...well I suppose there is an assumption there that women are primarily responsible for childcare. And is that a fair assumption at the moment? Yes it is, based on the way people's lives tend to go. At the very least, there's a very dim...very unlikely prospect that men are going to be able to give birth [laughs] well then I suppose you could say that that's a very short period of time, but it does typically become a longer period of time, and women quite often choose not to return to work, at least not straight away, a lot of the time they choose to spend it with children.

Benedikt then stated that the fundamental problem is that women's colleagues are unhappy with them taking time off for maternity:

[here is a] a peer group that isn't always understanding of people who want to take time off, a natural inclination in these relatively small-sized businesses that law firms tend to be, for everyone to look over their shoulder at who's working harder...um...there is a natural bar to women being the hardest working person purely because of childcare.

This notion of a 'natural bar' to women being the hardest-working is gender discrimination in its purest form. If the male partner of this firm believes that women cannot, naturally biologically perform in the PSF to the same extent as men, there are worrying implications for the hiring and promotion practices of the firm. Despite this clearly sexist viewpoint, Benedick paid lip-service to the idea of promoting women:

I suspect that firms like ours see a lot more value in promoting women, particularly with regards to establishing good practices around childcare, than very large dog-eat-dog practices in the City, where to some extent profit is king, or certainly more to the extent than it is here.

Evidentially Benedikt presents the image that Fenwick & Mason are more family-friendly than London firms, where 'profit is King', yet by mentioning the alleged financial detriment of maternity leave, he problematises and undermines his own claim that the PSF would 'value' promoting women. There is thus a linguistic confusion in his statement, as he implies that Fenwick & Mason can see the 'value' in promoting women, and yet promoting them would cost the firm money. The significance is the absence in his discourse here – the almost invisible figure of the male legal professional, who, by his very sex and reduced parental responsibilities, does not 'cost' the PSF. Potentially, the 'relatively small-sized businesses' [i.e. non-international law firms] are financially affected by maternity breaks, and therefore cannot accrue 'value' to putting women into the partnership pipeline.

5.7 Conclusions: Career Progression.

This chapter has focused on the various ways in which sexuality, appearance and professional identity shape employment experiences within legal services work to construct different power dynamics between men and women. As Pinnington and Sandberg have noted, there is a noticeable gap in the literature regarding gender in the legal profession, and a ‘lack of rich description and theoretical explanation of how men and women professionals collaboratively construct the limited inclusion of women’.⁴⁵⁴ This chapter has addressed this gap by investigating the ways in which men and women *collaboratively construct* gendered differences between the sexes within the provincial PSF. The aim has been to consider the second research question: *are their gendered differences in employees’ everyday experiences, perceptions of career progression and the perceived likelihood of promotion to partnership?* Discussion of data concerning this question has revealed the ways in which women are excluded from certain spaces and places. We have also seen that there are some striking gendered differences in men’s and women’s understandings of their professional careers, and the extent to which men’s and women’s conceptualisations of their career advancement affects the reality of their career pathways. Ultimately, these findings may illuminate potential reasons for gendered segmentation and stratification within the UK legal services sector.

Firstly, I would like to argue that the masculinist culture of the legal services sector serves to support and advance the careers of men, whilst excluding and marginalising women. Here, I refer to the existence of Old Boys Clubs, which is evidenced within the Bristol LLM with the use of the Rugby Network as an informal professional network for men to maintain professional relationships with other *male* colleagues, make new *male* contacts and potentially attract new *male* business. As we have seen throughout the chapter, interviewees made many references to sports, after-hours drinking, golf, and other ‘macho’ events. These types of events take place in spaces and places which are male-dominated and crucial for the advancement of legal professionals’ careers. They create sort of ‘fraternal contact’ of socialising after hours, sporting

⁴⁵⁴ Ibid., p. 617.

activities and other gendered activities which create important networking opportunities for men.⁴⁵⁵ As these homosocial bonding practices are crucial to success, merit is fetishised, masculinised and almost becomes ‘magical’, as discussed in the previous chapter. This arguably creates a secret culture which supports the careers of men by favouring ‘masculine’ events, networking, qualities and competencies, thus rewarding men over their female counterparts. Women are not explicitly *uninvited* to these places, spaces and events, however if they do attend, they are not made to feel welcome, and are likely to be the ‘only woman in the room’. Alternative female-centric events are offered in the form of Weight Watchers meetings, yoga and Pilates classes. Crucially, these are not networking opportunities, and do not present the possibility of pulling in new clients – a crucial competency for an aspiring partner. This gendered division of after-work networking activities collaboratively constructs differences in human capital rewards and thus actively disadvantages women.

Ultimately, the ‘blurring of leisure and workplace lines’ serves to ‘re-place women as objects of pleasure and so paradoxically reconfirm rather than challenge their exclusion from the ‘serious’ spaces of serious money’.⁴⁵⁶ Just as with McDowell’s analysis of the masculine culture of banking, the legal profession is still dominated by patriarchs who assert power over women in the workplace by casting them as objects of desire and pleasure. As the data shows, gender discrimination in the workplace is common; whether in the form of sexist remarks, verbal or physical advances, inappropriate behaviour, female employees are often subjected to mistreatment of a sexual nature not only from clients, but colleagues too. Interestingly, these types of misogynistic behaviours prompts a variety of responses from women, from overt flirtation and ‘fluttering’ of eyelashes, to a heightened sense of bodily awareness and alteration of physical appearance. Whilst embarking on bodily and beauty regimes can still generate feelings of satisfaction and pleasure, women can paradoxically experience feelings of pain or shame. Ultimately, the body becomes a site of conflict and confusion. In line with a Foucauldian framework the power and pleasure felt by these women does not ‘cancel each other.’⁴⁵⁷ The very fact that this causes simultaneous and conflicting embodied states

⁴⁵⁵ Ibid., 137. See Carole Pateman, *The Sexual Contract*, (Oxford: Blackwell: 1988).

⁴⁵⁶ McDowell, *Capital Culture*, p. 67.

⁴⁵⁷ Susan Bordo, *Unbearable Weight: Feminism, Western Culture and the Body*, (California: University of California, 1993), p. 27.

makes the body a site of struggle. From this post-structuralist feminist perspective, I argue that the masculinist culture of the provincial PSF has a ‘direct grip’ on the female labouring body.⁴⁵⁸

Butlerian theorisation is also extremely relevant here, as throughout this chapter women have articulated a sense of the *performativity* of their gendered professional personas. In line with McDowell’s arguments in *Capital Culture*, I noted from my own interview transcripts that:

[m]any women not only explicitly used the language of performance to describe everyday social interaction in the workplace, but also suggested that their workplace persona was unreal. They talked about ‘building up a shell’ [...] It seemed that many of the women who I interviewed held onto an essentialist notion of a unitary self and were troubled by what they saw as their falsehoods at work.⁴⁵⁹

Women thus kept their ‘real’ and ‘true’ feminine personality hidden, performing a ‘workplace persona’ and type of ‘professionalism’ that they believed to be acceptable. In a sense, they have had to build up a barrier from which they can shelter themselves against the masculinist and sexist culture. Though the culture of the PSF arguably affects the embodied everyday experiences of women, within this post-structuralist feminist framework it would be nonsensical to view men as the enemy. In the data collected, men also vocalised similar sentiments of ‘false personas’ and ‘fake flattery’ or ‘political games’ in the masculinist culture in which they must excel in order to succeed in the sector. Nevertheless, the ‘performativity’ of professionalism is more difficult for women, as the characteristics, aesthetics appearance, and embodied qualities of a ‘good’ lawyer are dictated as being inherently ‘masculine’. From a Butlerian perspective, I would argue that within the provincial PSF, a suitable gendered workplace persona is fabricated and created through a ‘repeated stylization of the body, a set of repeated acts within a highly rigid regulatory frame that congeal over time to produce the appearance of substance, of a natural sort of being’ (i.e. a natural sort of lawyer).⁴⁶⁰ Women may choose (or indeed be cast) in the role of the matron, the mother, or the mistress. This ‘highly rigid’ framework is definable as the ‘heterosexual matrix’ of the PSF. Within the context of the legal services sector, this is the matrix through which professional identity has become intelligible to oneself and the colleagues, that is ‘discrete and asymmetrical oppositions between “feminine” and “masculine”’ which are ‘understood as

⁴⁵⁸ Ibid., p. 16.

⁴⁵⁹ Ibid., p. 200.

⁴⁶⁰ Butler., p. 33.

expressive attributes of “male” and “female”⁴⁶¹. In line with Butler’s own theorisation, I would argue that these gendered oppositions in the collaborative construction of professional identity formation causes a ‘heterosexualization of desire’ which dictates that ‘certain kinds of “identities” cannot “exist” within the PSF; that is, those in which gender does not follow from sex and those in which the practices of desire do not “follow” from either sex or gender’⁴⁶².

With this analytical framework in place, I shall bring my conclusions for this chapter to an end by returning to the most striking finding regarding career progression. Throughout the data collection, I was shocked that the responses between male and female interviewees were effectively split down gendered lines; men appeared to hold much higher aspirations to attain powerful, lucrative positions, whilst women were seemingly unmotivated by positions of partnership. The initial reason for this drastic divergence appeared to be that women commonly conceptualised career progression in co-ordination with juggling current or future parental responsibilities, whilst men did not. Yet from a poststructuralist feminist framework which understands the highly rigid heterosexual matrix in place, it is hardly surprising that women do not vocalise their career ambitions. Arguably, women are scared of seeming too masculine and ambitious in the eyes of others, and potentially this lack of assertiveness leads to them being passed down for promotional opportunities. In this respect, women are taking themselves out of the running for partnership pipeline. Although this may be perceived as a choice, this ‘opting-out’ is potentially something which women are subjected to; such is evidenced throughout the course of this chapter, during which the discriminatory practices against women in the various processes of promotion are extremely clear.

Analysis has uncovered entrenched sexism at the very heart of the partnership pool within one PSF in particular: Fenwick & Mason. The perceptions, values and beliefs of those in power reflects such sexism. Firstly, Benedikt, an influential male partner believes there to be a ‘natural bar’ to women’s work, suggesting that the ‘fairer sex’ are biologically be less able to labour with the same power and finesse as their male counterparts. Secondly, the sentiments of Dianne, a female partner at Fenwick & Mason poses the rhetorical question: ‘*why should she just be put up?*’ This question illuminates the way in which working mothers are

⁴⁶¹ Ibid., p. 17.

⁴⁶² Ibid., p. 17.

being perceived by people in positions of power as being less capable and less able-bodied than their male counterparts. Ultimately, the female labouring legal labourer is undervalued, and thus held back from promotional opportunities leading to partnership.

6

PARENTHOOD.

6.1 The Problem with Parenting.

In the analysis of the empirical data so far, we have brushed upon various accounts of how parenthood affects the working lives of legal services workers. We have recognised that the amount of flexibility a PSF provides for working mothers can be seen to off-set a lower salary. We have considered how billable-hours-bonuses may be highly gendered, and we have also seen the ways in which maternity leave is stigmatised by both male and female patterns. This chapter takes a more detailed look at these various issues. It asks: *how does parenthood affect the everyday lives of lawyers?* In considering this question, this chapter explores parenthood from both the inside and the outside; taking into account a wide range of experiences and perceptions from people who are parents, and also those who are not. It analyses gendered differences in approaches to parenting and looks at conceptualisations of maternity and paternity leave. It also examines the struggles of balancing family responsibilities with a professional career. The aim is to make tentative comparisons and contrasts between the different work-life experiences of male and female interviewees, and to ascertain how parenthood may shape their careers. This brings us closer to some crucial issues concerning the ways in which men and women actively construct gendered difference in the workplace. It also exposes the ways in which the body shapes employment experiences within legal services work to construct different power dynamics between men and women, parents and non-parents, maternal and non-maternal labourers.

As we have seen throughout the previous two chapters, motherhood is cited as one of the main barriers to women's success within the legal profession. This chimes with some of the existing literature, which evidences the ways in which family commitments have a huge impact on career progression within the PSF.⁴⁶⁷ According to Pinnington and Sandberg, the most notable drawback for women is that partnership

⁴⁶⁷ Richard Collier, 'Rethinking Men and Masculinities in the Contemporary Legal Profession: The Example of Fatherhood, Transnational Business Masculinities and Work-Life Balance in Large Law Firms', *Nevada Law Journal*, 2013, Vol. 14, Iss. 2, pp. 410 -438; Phyllis D. Coontz, 'Gender Bias in the Legal Profession: Women "See" it, Men

roles are understood – by men and women alike – as frequently requiring the individual to privilege professional work commitments over family responsibilities. Whilst women struggled to reconcile to two, men do not. This relates to the problem presented by Bacik and Drew of the ‘double day’ which allegedly affects women disproportionately to men.⁴⁶⁸ The dual responsibilities of paid work at the law firm and unpaid care in the home could indeed hold women, whereas it is presumed the home/family duties of men are much are less. Are the same issues cited in this literature regarding City firms evident in the provincial PSF? Moreover, is the poor representation of women in the highest levels of the legal services sector attributable solely to the fact that women prioritise their family life over professional responsibilities?

The structure of this chapter is organised into four sections. The first section looks specifically at maternity and paternity leave; the second looks solely at the issue of childcare; the third analyses perceptions of parenting and the way in which women’s experiences of the culture of a PSF may affect their future career trajectories and plans to have a family; the fourth is devoted to unconscious (and conscious) bias in hiring practices and promotional procedures. These sections serve to examine the extent to which provincial PSFs are adhering to their family-friendly image. As we shall see, there are some contentious and concerning findings which show entrenched inequality and sexism at the very heart of some of the law firms included in this study.

6.2 Maternity and Paternity Leave.

Fifty-five per cent of the interviewees had children. Their children’s ages ranged from five to over twenty five. The women reported various different experiences and lengths of maternity leave. Kate, a partner at Kingsley Harper, had a negative experience and nearly left the legal profession because of her previous firm, another PSF in the Bristol LLM:

Don’t’, *Women & Politics*, 1995, Vol. 15, Iss. 2, pp. 1-22; Jo Dixon and Carroll Seron, ‘Stratification in the Legal Profession: Sex, Sector, and Salary’, *Law & Society Review*, 1995, Vol. 381; Emma García-Meca, Isabel-María García-Sánchez, and Jennifer Martínez-Ferrero, ‘Board Diversity and its Effects on Bank Performance: An International Analysis’, *Journal of Banking & Finance*, 2015, Vol. 5, Iss. 3, pp. 202-214.

⁴⁶⁸ Ivana Bacik and Eileen Drew, ‘Struggling with Juggling: Gender and Work/Life balance in the Legal Professions’, *Women's Studies International Forum*, 2006, Vol. 29, Iss., pp. 136–146.

I was at Burgess Salmon when I was pregnant, so I went on maternity leave and slowly realised that there wasn't really much hope in me going back on any kind of flexibility... And so I thought about just giving it up and being a stay-at-home Mum and then thought 'no, no! What am I doing?' So I had a role here [at Kingsley Harper] on a three-day-a-week basis to start with and then I slowly built it up.

Interviewer: I see. And obviously this is confidential ... can you tell me the reasons why you didn't feel that there was that flexibility for you at Burgess Salmon?

Kate: At Burgess Salmon it was always very male-dominated. It was very strong male egos, most of whose wives didn't work, and you know they stayed at home, which is absolutely fine but I think that it meant that there was then a culture of men not understanding that some women do want a career, and do want to progress. So there just wasn't that view of flexibility, and particularly for me with my husband in the forces, so he is away all week if not for longer periods, and I knew it would be all on me. We don't have family nearby and I was quite conscious of the fact that I would be the one needing to do nursery and school drop off and pick-up, all that sort of stuff. It just wasn't a supportive enough environment. You know you get a call saying "Charlotte's ill, she needs picking up" ... I just couldn't see it working there.

Evidentially, Kingsley Harper is seen to offer a much more flexible and family-friendly approach in comparison to the male-dominated culture of Burgess Salmon. I asked Kate to elaborate on her employment experiences at her old firm:

well, for example when I was on maternity leave I went back in to see them about getting back, and I had Charlotte with me, a tiny baby, and one of the partners I was speaking to looked at her and said 'you don't want mummy to come back to work do you?' And it was just little things like that that made me feel 'oh' [grimace]. And because the working day finished at five fifteen or something like that, I me saying 'could I leave at four-thirty' and getting sharp intakes or breath.

During the interview, Kate imitated the patronising and somewhat parental tone of the male partner, who was presumably attempting to prompt feelings of guilt in his employee. It was not only this unpleasant attitude that caused Kate problems; the lack of flexibility with working hours which made it impossible for her to stay at the PSF as she had the sole responsibility of parenting due to the fact her husband was in the Forces. Kate stresses that the legal profession '[is] not really a nine to five, and doesn't have that flexibility, which means that women leave', as she herself nearly did. The final question of the interview was particularly revealing:

Interviewer: what have been the highlight and conversely the low lights of your career?

Kate: The highlight is definitely partnership, the obvious. That for me was reaching what I set out to achieve, and it was such an achievement. The low light I guess probably my Burgess Salmon time. Just not feeling supported at all, both as a newly-qualified, coming in,

and you know that whole maternity side, just not feeling anyone was interested in doing anything to help me.

Kate presents Kingsley Harper as offering her a new chance to peruse a career in the legal profession. The PSF offered her part-time working arrangements, and eventually a partnership role. What is interesting is that Kate is discussing two firms in the same LLM – which shows just how different the cultures of different PSFs can be. The patriarchal make-up of the previous firm at which she worked is arguably the reason why she was not supported as a working mother; the partners in charge had wives at home, and thus allegedly did not understand why some women would want a career. This archaic and outmoded ethos was not present at Kingsley Harper, which is, coincidentally, a much younger firm, composed of people from more diverse social and cultural backgrounds.

For other women, maternity leave was a more positive experience and one which was not conceptualised as a significant set-back to their career. Diane, currently a partner at Fenwick & Mason had previously worked at a niche firm in Finsbury Circus, where she had experienced very long hours. Here, she describes her experience of maternity leave:

all the way through my pregnancy I was ‘yeah ill come back, no problem at all’ but you just don’t know how you are going to feel until you have had a child. And then went back after five and a half months, went back part time, and they were absolutely great, really no problem at all about flexible working, and I wanted to leave on time every night, and it was going to be an issue, and I just thought ‘I can’t do this’. I had a bad experience with a nanny and I thought ‘no, I’m going to stop’. To be perfectly honest with you, I did not really regret getting out of the law for a while, because I had three and a half years off, as a career-break, which was lovely, just being Mummy with the two kids. I had one shortly after I started, and I wouldn’t have necessarily have gone back to the law as quickly as I did if it hadn’t of been for the fact that my husband took voluntary redundancy and it took a lot longer to find another job. And we thought, having had one year off together, one of us better go back! [Laughs loudly].

Following this Diane worked at another firm in Surrey and then moved to Fenwick & Mason. ‘I don’t regret the decision to move out of London one iota, it was the right decision for me’. In the interview, she explains how she had intended to work part time:

I’ve never managed it. We made the decision to go down with private education, and once you’ve made that decision to school fees, you then have to.... And my husband got another job again. I suppose it would have been feasible, but because we could work flexibly from

home we never had the guilt trips over needing a nanny and stuff. So we juggled it between ourselves.

There are several interesting facets of Diane's narrative of her career trajectory. Firstly, the fact that her old firm led her to believe combining her job with motherhood would not be a problem, yet when she came back from maternity leave it was 'an issue' to ask for flexible working. Secondly, is the reference to the bad experience with a nanny – something which I shall discuss in later sections of this chapter. Thirdly is the fact that the resulting choice to take a lengthy career break was only feasible because of her financial security – indeed both Diane and her husband did not work for a whole year. What is most striking is that although she presents a very positive picture of maternity, believing that it had no apparent detriment to her career progression, clearly the issue she faced at her old firm was very similar as those reported by Kate in that no flexibility was offered by the PSF.

Paternity leave was presented as potentially problematic for many men too, although this was a lot less common than in the female cohort. Of the male interviewees who had children, less than half reported having taken paternity leave. When analysing the transcripts, I noticed that when all dialogue regarding experiences of paternity and paternity leave were extremely short and concise, take for example this comment offered by expectant father Austin: 'Yep, yep. Took a couple of weeks for our first daughter and I will with our next'. This was a stark contrast from the ways in which women discussed their maternity leave. Notably, a number of men had not worked at their previous or current firms long enough to be eligible for paid paternity, as Richard shows: 'Um at my previous firm, my second child was born um...quite soon after I joined the firm, and I wasn't entitled to paternity leave, so I had to take um...paid holiday.' Vince had a similar experience:

I've taken two weeks paternity leave last year when my daughter was born. One week was paid, that Osborn Clarke paid, and I took one week as paid holiday because paternity...statutory paternity pay is such a derisory rate that I didn't want to be out of pocket for a week.

Whilst many men would have liked to take more time for the birth of a child, this was not necessarily a striking issue and was not statistically significant amongst the very few men who had taken time off for paternity. Moreover, no men in the entire cohort stipulated a desire to take lengthy paternity. In sum, answers

from men were habitually clipped, concise and un-related to career progression, showing a striking dissimilarity to the lengthy and emotional testimonies of the women when speaking of their maternity leave.

However, it is important to note that two men voiced concerns for the way in which combining a family and a legal career could potentially put pressure on their future roles as fathers. Richard, a father of two, had moved to Fenwick & Mason in order to better combine his career with the responsibility of fatherhood:

if I went and worked in the City, and I worked the hours that I do here, I would very rarely see them. I wouldn't be able to do the school run in the morning, and I probably wouldn't be able to see them in the evening when I got home from work, so I would only be able to see them at the weekends. And so I made a conscious decision not to go and work in the city for a city law firm because...um...because I don't want to be an absent father. I want to be around while my children are growing up. So that was a very conscious decision on my part.

Once again, we have here the provinces presented as highly preferable to London – especially for legal professionals who are parents. Richard's assertion that he would be an 'absent' father if he to work in a city firm is striking and evidentially leads to the 'very conscious decision' for him to work at a family-friendly firm such as Fenwick & Mason, where he is afforded the flexibility to 'do the school run in the morning' and suchlike. Aforementioned, the firm supports promotes a positive image of promoting parents. Liam, an associate at Fenwick & Mason also showed a concern:

the balance is really hard because if you want to be partner you can't be the guy that only works three days a week and you know steps out of the door at five and is off the Blackberry for the rest of the night so...

Although Liam had yet to have children himself, his testimony is insightful, at the very least because he is the only man of all interviewees who was not yet a parent and expressed an opinion on the tensions between flexible working for parents. Yet what is most interesting is that he goes on to state that women at his PSF were given preferential treatment to working fathers:

I want to be a good dad, and I want to be around and take them to football at weekends and go tuck them up in the evenings. But it is difficult. And [sighs] I don't know if it is deliberate or not but in firms I've worked at it tends to be that women get a bit more of an easy ride. And they get let home a little earlier, or they down get put on the bigger deals. If they ask for a day to work from home it's more readily accepted than it is for a bloke. And I look around here and there's a lot of guys working quite a bit harder than a lot of the girls, for whatever reason but you know there's people with wives expecting or young children and they're not

seeing them as much as they should, and maybe the ladies are seeing them more. But that's just an observation I've made.

Clearly, much like Richard, Liam wants to be a good father, and envisages a future in which he will play an active role as a parent, yet believes that he will not be afforded the same flexibility and privileges of women at his PSF. Though Liam himself states this is simply 'observation' it is interesting that he believes in this preferential treatment. Notably, Liam was the only interviewee who voiced a belief that provincial PSFs prioritises female family responsibility. What is most telling is that he believed men to be working 'a bit harder than a lot of the girls'. Arguably, his language infantilises his female colleagues – who are all in their mid to later twenties, often older – and are much better described by the word 'women'. His 'observation' infers that women are somehow taking advantage and obtaining an 'easy ride'. This hostility towards working mothers – and women in general – is concerning.

6.3 Childcare Choices.

The alleged 'voluntary childlessness' reported in the legal literature was not supported by the data set.⁴⁶⁹ Fifty per cent of interviewees had children. Of the half that did not, the overwhelming majority cited their potential plans for starting a family. Two women did not want children, but this was a personal decision not necessarily based on their careers: Karen stated simply 'the way I'm feeling at the moment it wouldn't devastate me if it didn't happen' and Harriet told me frankly: 'I don't know if I want children. Full stop.' These two anomalies in a data sample of forty indicate that voluntary childlessness was not an issue at the provincial PSF. Postponed parenting was less simple to ascertain, as of course the interview questions did not deal directly with people's personal choices with regards to their family life, or delve into their reasons why lawyers may start families later than those in other professions. On the whole, parenthood was displayed as an integral part of people's lives, yet parenthood affected legal professional's working lives in different and highly gendered ways.

⁴⁶⁹ Ivana Bacik and Eileen Drew, 'Struggling with Juggling: Gender and Work/Life balance in the Legal Professions', *Women's Studies International Forum*, 2006, Vol. 29, Iss., pp. 136 -146.

Commonly, male interviewees had wives working part-time, or not at all. This made the issue of childcare much less problematic. As Vince states:

I've got a one-year old daughter. My wife works part-time. And for the three days a week my wife works, my daughter is in nursery. For the other two, my wife cares for her at home.

Joseph was in a similar position:

yeah I've got two children, a one-year-old and a four-year-old, boys. Childcare...my wife works part time so she works two days a week, and for those two days they are with our mother-in-law.

Often, the spouse was not in paid employment at all, but a house-wife role. Austin, a senior associate at had two children aged one and four, and his wife took care of them full-time:

she's been on maternity leave, and she hasn't gone back to her old firm because of the commute actually, primarily...it's a struggle to...because I can't really be relied upon to get back if we had a childcare emergency, or just to get back in time to do the pickups and stuff, just because of transactional work its quite hard to. Commuting up to Camden where she was working was just a bit too far. [Laughs].

Austin explained to me how he and his family had moved to Guildford to be closer to his job at Fenwick & Mason, and that this transition had coincided with his wife's maternity leave. He alludes to the geographical distance between Guilford and Camden and notably the commute as being there primary reason his wife has yet to go back to working in family law:

but at the moment it works really well because my wife's at home with the children for the time being, but she'll go back to having a career when she's ready, and in the meantime I can get back for bath time and whatever. And as I say, because I think a lot of regional firms are a bit more accommodating you can do that work from home kind of thing, or log back on if I have to, but I think if I was in the city that would be seen as impossible.

Whilst the decisions of dual-career families are beyond the scope here it is interesting to note that none of the male interviewees' careers were affected by having children, and that their spouse were cited as primary carers for children. It is also notable that those in senior associate positions had stay-at-home wives and were not responsible for childcare arrangements. Much like the findings of Pinnington and Sandberg's research, men's' responsibilities are assumed to be less.⁴⁷⁰

Richard was an exception amongst the male cohort. As a father of two children aged five and three, he was solely responsible for the school run as his wife works full-time in London:

⁴⁷⁰Pinnington, and Sandberg, 'Lawyers' Professional Careers: Increasing Women's Inclusion in the Partnership of Law firms', *Gender, Work and Organisation*, Vol. 20, no. 6, 2013, pp. 616-631.

so I live in a little village called [Hillbury] which is um...about five miles or so outside of Guildford, and I have to, first of all, I drive to um the childminder who is in [Goldminster], and that's probably...roughly...these are guesses with miles, but it's about five miles away, east from where I live, and then from the childminders I have to go up to the school which is in Effingham, but down some twisty turny country lanes, about a mile away, drop of my other child there, and then I have to drive back, west, towards Guildford which is um ...who knows...seven, eight, nine, something like that. But the whole journey, with the drop-offs takes about an hour.

Richard undertook this gruelling school-run each morning. Coming from a smaller regional firm, Richard had taken a significant pay rise when he joined Fenwick & Mason. He states that the higher salary was 'definitely a motivating factor'; '[i]t was part of the reason, obviously with two children, it costs quite a lot of money! Childcare costs are incredibly expensive'. In the interview he confided to me an unusually fortunate arrangement whereby his daughter had a scholarship at a private pre-school:

our eldest daughter was a nursery that was attached to a private school and luckily the headmistress there took a real shine to my eldest daughter and thought she was very bright, and knew that we couldn't afford the fees at that point because I was changing career and studying, and offered us a two-year bursary, so free private school for two years. And obviously we couldn't turn that down. But that comes to an end at the end of this academic year. So we have to take a decision; whether to start paying the fees or to move to a non-fee paying school. And so the cost of childcare for the youngest one is about as much as we can afford...um...we couldn't afford to pay school fees on top of that, so we're looking at new schools at the moment, which may mean that we have to move house into a catchment area for one of the good schools.

Richard divulged how lucky he felt for his daughter to attend private pre-school: 'it's a nice school, big grounds, lots of tennis courts, a big swimming pool, there's all sorts of extra-curricular activities that she gets to do that she may not get at a non-fee paying school' yet ultimately he could not afford private school for both of his children on his current salary. Whilst this is a very specific case, it is an interesting depiction of a father's responsibility of taking his children to school and a childminder – an hour long journey. It also begins to display the diversity amongst childcare arrangements of interviewees.

Women within senior positions reported a range of different experiences of childcare. Yolande shows a starkly different situation to that presented by Richard. As a single mother, she explained to me that finding suitable childcare was difficult and expensive and she thus relied heavily on family support:

both my children are of school age and I...they...my oldest walks home, she's secondary school now. My youngest gets picked up, most days, by my nephew. But childcare is *always* a constant issue. I've always got to.... I don't think a week goes by where I don't have to rush out of the office to go and sort somebody out... sort one of the children out or pick them up. And it's particularly difficult in the holidays, so yeah it is an issue, and I think it

does affect women. It definitely affects career progression, because you can't put the hours in.

For Yolande, childcare was '*always* a constant issue'. In contrast, some women at larger PSFs notably felt more at ease with their childcare arrangements. Denise, a partner at Fenwick & Mason who had children of a very similar age to Yolande hired help up until very recently in order for her to work full-time throughout her career:

yes so my oldest is thirteen, my youngest is eleven. I've had...we've had the full gammock. We've started with full-time nursery, erm. I then shared a nanny with my best friend who lives in the same village so our nanny was looking after four children. Erm and when my youngest got into...was in school we moved to having an au pair...we've just finished with our au pair, so were about a month into having no au pair.

Kate, a partner at Kingsley Harper had a child of school age and also worked full-time. She states that she relied heavily on after-school clubs. Her home was in Bradford-on-Avon, a short train journey from her firm in Bristol, and this did present problems when emergency childcare was needed:

yeah I mean ...yeah it's not too bad, though sometimes there are fraught days when you get a phone call saying she needs to be picked up, and I have to wait for a train...but it really is absolutely fine.

These types of emergency situations were commonly reported as problematic for working parents. Catherine states:

we don't have family, you know, partially nearby ...so we don't have anybody for that kind of back-up plan...erm, which has meant that if there is sickness or something like that, it becomes more difficult to manage, and occasionally we've had to phone parents to get them to come down from where they live -which is a little way away - which they've been very cooperative with. Luckily, touch wood, [touches tabl]) we haven't had too much of that (laughs) So, principally, nursery is our childcare plus me one day a week, plus my husband one day a week.

These concerns echo Austin's previous mention of 'childcare emergencies', for which he 'cannot be relied upon' because his role as senior associate is too demanding. Indeed, legal professionals in senior positions - particularly partners - commonly reported the 'fraught days' as Kate describes them, when their child is sick and unable to attend school or go to nursery. Catherine relies on family periodically, and especially in these types of emergency situations, yet Yolande used the support of her nephew daily - an arrangement which is clearly not working for her and causing undue stress. Evidentially, there are tentative differences yet also some similarities in the collective experiences of legal professionals' childcare arrangements.

Although the overwhelming majority of female interviewees were responsible for childcare arrangements, there were exceptions. As previously mentioned, Catherine shares the childcare with her husband, who also works reduced hours. One interviewee in particular had an uncommon childcare arrangement in that her husband was the primary carer for their daughter. Eva, a senior equity partner and head of department at Kingsley Harper, openly discussed her situation with me:

Interviewer: And do you have children? If so, can I ask you about childcare arrangements?

Eva: Yep. I have a twelve year old daughter, and childcare for us is easier as she gets older in some respects. So we made an interesting decision, but not uncommon anymore, in that my husband downsized his work at a point in time when my career was going upwards and I was getting promoted to the senior equity of the business, and Harriet was about four, and we had to make a call. And I didn't want her to spend her time... These are difficult calls women have to make in business and I thought 'I don't really want her being hoofed off after school to a childminder, or picked up by a nanny'. I didn't mind her being at nursery, I thought that was quite sociable, but pre and post school care for young children is very difficult. Well it's there, it's an available option but for me it wasn't an easy decision to make. So my husband is primarily the carer now. He has his own business, and so he is there. We tried to do the part-time thing, but I was constantly with my phone clutched to my ear, running down the lane to the school on time. I had her in my possession but I wasn't present. I wasn't there with her. I thought 'this isn't working', so we adopted a different approach. And actually, where we live in Bristol there is quite a few that do that, where Dads have a primary role. Lots of professional women are making choices accordingly to their families. And not everyone wants to choose the nanny .there's nothing wrong with that, but not everyone wants to choose the nanny, or the after-school care, of whatever it may be, which you do have to pick if you've got two parents working.

As we see from this excerpt, Eva's career has been extremely demanding and has not allowed for her to work part-time. She details that the previous arrangement to pick her daughter up from school was simply not suitable, and she was not a 'present'. Therefore, for her husband to be the primary carer is preferable over her daughter being 'hoofed off' to a childminder, nanny or au pair. This viewpoint portrayed by Eva was, she argues, one other professional women in Bristol were making. In comparison to many of the other interviewees who were mothers, Eva's discussion of her childcare arrangement seemed favourable, and was presented in an extremely positive light – a pragmatic and logical solution for professional women. Nevertheless, Eva details a number of emotional drawbacks in having her husband and the primary carer:

yeah it's a really tough one, and you have to be prepared to steel yourself emotionally for those inevitable guilt trips, when you think 'I missed that', when they run to the Dad for the first time when they've hurt themselves or something, or ...I will be honest there have been times over the last eight years where I've thought 'this is...I'm missing out too much here. This is too hard. I feel jealous of the development of a relationship'. And I don't feel jealous, but I will use the word jealous, it's not a good enough word, but its good enough I suppose for the purposes. You feel that...oh [unhappy, longing noise [...]] so all of those inevitable

emotions go crazed around your head sometimes, and you get up in the morning and you think 'is it worth it?' I mean today is her first day back at school and I'm in Bristol which is lovely, and ever since she's been a baby she will get up and jump into bed with us, she jumps in the side and has a cuddle, and she did this morning again at seven o'clock and I'm thinking 'I've got to get up'...it used to be for a train, and now it's for her to get to school on time. But as long as you can retain that level of closeness, and it is an effort, then you had to do it. But the enviable end of it all is some personal sacrifice.

This account of the 'crazed emotions' which Eva feels towards her husband being the primary carer of their daughter – underscored by the 'jealously' she feels, and whether her career is worth the personal sacrifice. During the interview, she offered a compelling, emotional and often very sad description of her experience of combining a family with her role as partner. It is insightful that despite all her success and sacrifice, she still had days when she felt: 'I just can't do this'. This is reminiscent of the previously mentioned comment from Denise, who went back to work after her maternity leave and thought: 'I can't do this'. These sorts of sentiments were not uncommon within the transcripts of working mothers, and yet were never echoed by male interviewees.

6.4 Women Without Children.

Many young female associates without children articulated a belief that motherhood and a legal career did not combine well. Arundhati, an associate at Fenwick & Mason stated:

it's very hard to combine being a solicitor with having children, particularly in the City. So I think a lot of women who work with lawyers, particularly in the city decide either to go part time, or to give up work. So you know they just take themselves out of the game. And firms aren't encouraging women, aren't making it easier for them to combine work with family because it's not in their interests. They can't promote everyone anyway, you know they can't promote everyone that joins as a newly-qualified trainee to partner. Not everyone will make it. So you know if people are taking themselves out of the game, I think it suits a lot of firms. And a lot of firms operate a sort of up-or-out policy, so if you're not getting promoted, you'll basically get managed out.

There is an interesting contradiction in this statement; Arundhati evidentially believes women choose to 'take themselves out of the game', and yet she infers also that the 'up-or-out' policies of many PSFs cause women

to be ‘managed out’. There is a dualism which is confused and vague, yet extremely telling. Arundhati discussed the career choices of working mothers in more detail later in her interview:

they choose to go to a regional firm, or go In-House, or go to a regulator, for example...just because it’s such long hours but that’s not really a problem at this firm. I think that at this firm, the statistics are probably quite different...there are loads of women at partner women, *loads* of them. So you know it’s not a problem here as far as I can see.

As she mentions, Fenwick & Mason has a particular high percentage of female partners and thus combining parenthood with a legal career is presented by Arundhati as ‘not a problem’ at the firm. However, intriguingly, her colleague Emma pre-empts the problems of being a working mother within the private-sector and shapes her career plan accordingly to move ‘In-House’:

Interviewer: where do you feel like your career would be in five, ten and fifteen years’ time?

Emma: Um in five years hopefully still here, maybe with a couple of breaks. Maternity breaks. I think ideally I’d like to be In-House in ten years. And fifteen years I really don’t know! [Laughs].

Emma, who was just four years qualified, had previously worked as an In-House counsel and clearly believed that environment to be a better fit for her future family life than working at Fenwick & Mason. When I asked Emma for her reasons of wanting to move back ‘In-House’ she said: ‘I wouldn’t be able to work full time. I think it’s too stressful. This job’s too intense; you can’t come in and have an off-day.’ The legal profession was often characterised by female interviewees are requiring too much of an employee who was also investing emotional or intellectual energy in their family/home. The inference was that women who were working mothers would struggle, and that rather than simply continuing to struggle, by working part-time, moving in-house or going to regional firm with a less pressurised culture and reduced working hours. What is most interesting in Emma’s career plans is that they arguably demonstrate Arundhati’s allusion to women who ‘take themselves out of the game’. This was not a unique story by any means.

Pre-empting the effects of parenting was a common theme amongst the career plans of many young female interviewees. Many women voiced a desire to cut down their hours or potentially leave the legal profession altogether when they had children. We see evidence of this in Jaswinder’s interview:

I don’t know if it’s a financial thing, where if I was the one earning more my husband would say ‘I’ll work part time’, but because he is a high earner, I’ve decided in my mind that when

we have children hopefully that I will be the one who will you know cut my hours down because I don't want to be the kind of person who is not available, who is working at weekends, always on her Blackberry. I want to be a good lawyer and enjoy my job but at the end of the day, to me, family is a lot more important. So yeah I think on practical terms I would go part-time, probably three days a week, three and a half. And in Bristol it's quite easy because I live in the centre and the commute's not bad as I said. Yeah I think that's... But who knows, I might want to quit altogether

Notably, Jaswinder's husband is the higher earner, thus Jaswinder would potentially leave the profession when they have children. What is also very interesting is this characterisation of the unavailable working mother, working weekends and 'always on her Blackberry'. Evidentially Jaswinder does not want to be that 'type' of working mother, and may even 'quit altogether'. This sentiment was not uncommon across the female cohort. Though other women voiced very different sentiments, many had already thought-out the way their future careers would fit in with their plans to have a family:

Interviewer: have you thought about how motherhood will fit in with your career?

Jaswinder: I think I probably thought about it right from the outset really. It's always been something in your mind, and I think it is for most women that work here actually. Yeah I mean it's a very difficult situation because, having worked within a lot of different departments in this firm, I've seen how lots of different women do it, in terms of either they continue to work non-stop and have a nanny looking after their children, and whether ...what my kind of view is on that is that if I want children I'm not sure I want to do that or am prepared to do that. But then those women who have done that are generally more senior in the firm. So that's always something that niggles in the back of your mind, that says unless I'm prepared to kind of sacrifice seeing my children I'm not going to get to where I'd like to be. Like if I want to be partner.... or either that that progression is going to be significantly slower. I mean I think we've always been encouraged that that's *not* the case, but I'm not sure that's true. I think it's an ideal that firms would like to have but in reality it's far from the truth. It just doesn't happen like that.

Jaswinder clearly perceives a successful legal career to require a sacrifice on part of the working mother – a sacrifice that she personally would not be willing to make. She states that mothers' progression to partnership is 'significantly slower' and that women would have to work 'non-stop' if they were to attain the same benefits as men. Such sentiments were echoed across the cohort of female interviewees in Bristol and Guildford who had yet to have children. Despite the often positive attitude towards parenting within the provincial PSF, many women were deeply influenced by the other women working around them – and this did not always reflect well on the PSFs, as is evident in the extract above. As we can see, the culture of the

PSF and the way it treats the existing working mothers has a huge impact on the way in which young female associates conceptualise their future careers, and are potentially deterred from pursuing partnership.

An overwhelming number of interviewees who did not have children believed that whilst women's career opportunities could be hindered by maternity leave, the provincial PSFs at which they were currently employed offered a more flexible approach than that of City firms. Jane an associate at Fenwick & Mason presents her PSF as extremely family-friendly. Here she articulates the allure of her firm with working mothers:

Interviewer: And do you conceptualise parenthood in anyway, as an obstacle to that, or have you really not thought about that at all?

Jane: I have obviously thought about it. I think that naturally you think about it, and a firm like this is very good in terms of being flexible when you want to start a family, and I think that's why we've got a lot of lawyers who worked in the City who work here, because it just allows for a bit more family life. And so I think I'd feel quite happy with starting a family and working here.

Evidentially, Jane has positive perceptions of their colleagues combining a legal career with the responsibilities of parenting – and this makes her feel confident that she could do the same in the future.

Juliette from Kinglsey Harper displayed a similar point of view:

definitely. I think that's a massive plus point of this firm actually, that it is very flexible. We have quite a few people in my department who are mums and they can work from home, there are people that work three days a week, so it is very flexible and I think it's something that is possible.

Intriguingly, Kinglsey Harper had gone to great lengths to promote a 'female-friendly' and culture within the firm. Two women mentioned a 'Women in Law' event, which I had no prior knowledge of before the interview. This was an event which was hosted by the PSF to 'champion women'. Here Michelle describes her impression of the day:

we also, quite early in our training, had a 'Women in Law' event which was designed to champion women and say 'you can do whatever you want and have the life that you want and have the kids that you want and you're not going to be prejudiced against here'. And I think it was interesting for a lot of us trainees, you know [there were] three girls in my year including me and that was it, and we all came out thinking we hadn't thought that there was too much of a problem with being a woman in a law firm, and we never experienced at any stage in our career any blockers on progression because you were a woman. Coming out of

that workshop we were a bit like ‘oh my god, so there are going to be blockers that we’re going to experience’, and people who were more senior like some of the partners who I spoke to afterwards said ‘you may not realise that they are there now but wait until you have children and then you’ll experience them’.

This excerpt shows that Michelle had no pre-conceived notions of any ‘blockers’ to her career. In the interview, she was clearly concerned, and articulated her previous short-sightedness as a ‘generational’ gap of her intake of trainees: ‘we’d never had any concept that there was going to be a glass ceiling for women, and so to hear about that concept and that it might be a possibility was actually a really negative thing’. Arguably, the event backfired; it had been intended to champion women, yet it prompted discussion from more mature female colleagues who revealed the reality of combining motherhood with a legal career. Whilst this does present a rather dismal picture of how parenting can affect progression, it also shows the importance of information-sharing tactics of many female legal services workers. At Kinglsey Harper, the existing working mothers resist this seemingly fake image of female empowerment notion and do not allow the younger women to be fooled.

There were some small instances of resistance and subversion towards the patriarchal PSFs, especially with regards to the issue of maternity. Throughout the interview transcripts, women mentioned having supported and safeguarded colleagues whilst they were on maternity leave. At least two women reported that they had ‘kept an eye’ over their female co-workers’ top clients – protected them from top clients from internal competition within the firm. There were also a few examples of women sharing private information of their maternity leave which would benefit other women professionally. Denise, a senior partner at Fenwick & Mason had previously had a female confidant who aided her career progression. This colleague shared vital information with Denise in order to assist her in securing a coveted job:

the associate who had just gone on maternity leave [...] she kindly let me know before she left that she wasn’t intending on coming back, so I knew there might be a possibility of staying on. So I got given a twelve-month contract after my training contract, because of course she didn’t need to tell my boss that she wasn’t coming back.

Denise alludes to the fact that her former employer – who did not know that the position would not be taken up by the woman returning from maternity leave – did not advertise externally and recruit a replacement. Denise benefits from knowing that her colleague has no intention of coming back to work, and secures the coveted training contract. Here we see an interesting example of the way in which one woman’s maternity

leave is used to another's advantage. Though this was a specific case, it may provide insight into the way in which women use their professional relationships with co-workers to share information and facilitate with their careers. These moments of resistance may not be equitable to Old Boys Clubs and male networks of power, but they are notable attempts to counter-act the negative effects of maternity leave and the often sexist, inflexible and discriminatory practices of legal services firms.

6.5 (Un)Conscious Bias in Hiring.

Fenwick & Mason had very different culture and ethos towards working mothers to that of Kingsley Harper. Diane divulged some concerning truths with regards to her own discrimination when recruiting female legal professionals:

it's kind of crept up on me, and I've never really noticed it until recently, and I suppose it's because I've never been in the position of hiring before. I think it's fantastic, it can... I can see irritation levels when people go off and get pregnant, and now I can find myself saying 'we ought to recruit a bloke' – isn't that awful, I find myself saying it, just to even out the numbers. Or saying 'we need to be legislating for Excellency, so will you be starting a family?' So from the employers point of view it's a real disruption in work, and it will be a real disruption in work. But then I wouldn't have not expected that attitude towards me, and I would have totally understood that attitude towards me. It is a pain in the arse if someone goes off on maternity leave.

Evidentially, this female partner perceives maternity leave to be a hindrance, a 'pain in the arse', and this view is something she keeps at the forefront of her mind when recruiting for future employees of Fenwick & Mason. Her sentiments mirror those from Bacik and Drew's study, which uncovered gender discrimination amongst male partners within an Irish law firm:

one woman recalled being the first in her firm to take maternity leave some years previously and being told by a male partner "I don't know why we employ women; they go off and have babies".⁴⁷¹

What is so concerning from the empirical data from Guildford is that Fenwick & Mason boasts a 44% female partnership and prides itself on its alleged 'championing' of women. Such discriminatory attitude from a female partner – especially someone who was in a position of power and actually mentors working mothers –

⁴⁷¹ Bacik and Drew, p. 142.

is quite simply shocking. The assertion that she must ‘even the numbers up’ reveals the misogynistic attitudes towards female legal professionals, especially towards those who may wish to have a family in the future. This is a clear and indisputable example of conscious bias towards men. The notable lack of discussion around paternity shows that men are simply not discriminated against in the same way.

No other firms articulated direct examples of bias in hiring practices, however, Eva, a partner at Kingsley Harper eloquently explained the various ways in which unconscious bias creeps into the perceptions of partners at her PSF. In the following quote she refers to the male partners with whom she works. These male decision-makers shape the careers of women within the profession:

it’s when you get a bit further forward in your career that women start making decisions about where they want to live, how they want to live their life, what’s important them, have they got a relationship going, do they want a family. And all those things are floating around their head, because it impacts them. But the lads in that position can have the same thoughts floating around in their head, but it doesn’t impact on their work, because their wives or girlfriends have made those decisions. And so in the early stages of ‘it’s all equal’ is great, and you’ve got these decision-making people... those people making the decisions thinking ‘she’s going to have a baby soon, and therefore I don’t want to put them on that client team, and therefore hmmm maybe they’re not the best person for the job’. And the women who are in these positions are aware that these thoughts are going around in my male superiors’ head, or my colleagues head, or whatever it may be. And so all that unconscious bias is there. It’s a fundamental part of most people’s working life, whether they are aware of it or not. And so of course that’s not equal. And the trickle-up doesn’t happen, does it, you know because it can’t. Those decisions are being made by whoever’s involved in making the decisions, and the person is ‘right well I know I’m never going to make partner so I’m just going to do that, I’ll come back and I’ll work part-time.’ If there was a career path that it doesn’t matter whether you’re here all the time, it won’t have an impact on your career, and we are running a business after all, so as long as it suits the business, but we’ll treat you equally and fairly, provided you play the bargain.

Here we see a clear example of an female partner articulating her belief that the trickle-up theory is a fallacy. Eva strongly believes that decision-makers hold unconscious bias towards women of a child-rearing age. She infers that this unconscious bias causes them to *actively* discriminate against women and pass them down for promotional opportunities. What is worrying is that women will only get treated ‘equally and fairly’ only providing they ‘play the bargain’. This unspoken deal is either not to have children, or to not let it affect your commitment to the PFs in any way. As Eva herself states ‘we are running a business after all’. This chimes with her comments in the previous chapter, in which she states that people coming to the provinces expect a more flexible approach to legal services work, but find the same hours, pressure and workload as of City

firms. The PSF wants to 'recruit them but not delude them' and thus arguably lures them into a false sense of security that the lower salary is part of a bargain. The parenting 'bargain' or deal which is mentioned in the above excerpt is less deceptive but just as pervasive. It is an agreement between the PSF and the parent which is on the table only fleetingly; women can either choose to accept the terms, or find themselves on a different career path.

6.6 Conclusions: Progression and Parenthood.

This penultimate chapter has revealed the true extent to which parenthood impacts the everyday lives and long-term careers of both men and women in the legal services sector. The most notable drawback for women is the way in which success is constructed (by men and women alike) as frequently requiring the individual to privilege professional work commitments over family responsibilities. Pinnington and Sandberg, along with many other feminist scholars, argue that women struggle to reconcile to two, whereas men do not. The authors argue that 'while male interviewees recognized the difficulties of combining work and family, they did not express a desire to spend more time with their families', and that that these gendered differences in approaches to parenting means that women are often held back for promotion to leadership roles.⁴⁷³ My own data contradicts this well-established feminist belief; in fact many men voiced concerns for the inevitable long-hours and various pressures of a legal profession, and these men were adamant they would not be 'absent fathers' but present and involved in their children's upbringing. Some men had migrated from London and passed down opportunities at Magic and Silver Circle firms for this very reason. The provincial PSF is considered to offer a more family-friendly environment and enable both men and women to prioritise their family life. In this respect, my own data shows the *shared* concerns of both men and women who struggle to reconcile personal and professional commitments. Potentially, the cohort in question holds different values and priorities to their elite counterparts working in the City; irrespective of gender or age, legal professionals are extremely family-focused.

⁴⁷³ Ibid., p. 627.

Notwithstanding this observation, the dominant discourse in the provincial PSF is that men are *naturally* more eligible for senior positions as they have a lesser desire to dedicate time and emotional energy to family commitments and are, by proxy, able to invest more time, energy and emotional labour into their professional work. As this chapter has shown, these essentialist beliefs regarding parenting have a dramatic effect on the women's working lives and long-term within the legal services sector. Firstly, as is evident from the instances of conscious and unconscious bias, those in positions of power view maternity leave as not only a nuisance or an inconvenience, but a financial detriment to the provincial PSF. Maternity leave is stigmatised and frowned upon by those at the top, and in a sense this trickles down. Employees' experiences of maternity leave presented often mixed views, yet an overwhelming number were negative - for example Kate described the discrimination she encountered on returning to work as the low point of her career. Secondly, is the issue of childcare, which for many women is clearly an ongoing concern which shapes their working lives. Again, there is very varied accounts amongst the cohort, from experiences of those who had stay-at-home-husbands (i.e. male primary carers), to the use of informal networks and family members, to nannies and private pre-schools. In all of these varied accounts, however, we see how combining parenthood with the pressures of the legal services work invariably puts women under a significant amount of emotional stress. Eva asks: 'is it all worth it?' Men simply did not echo these types of emotional and guilty sentiments. They did not conceptualise paternity leave as a problem, and many not did not demonstrate such awareness and self-reflexivity of their privileging of professional commitments over family responsibilities.

Whilst these gendered differences in attitudes towards working mothers and fathers may have been expected to a certain extent, one particular finding was unexpected: women who had not yet had children pre-empted the problems with parenting and shaped their future career plans accordingly. As we have seen in various transcript extracts from young female associates, women habitually plan to move to In-House, work part-time, or even plan to leave the law altogether when they will have a family. As many female interviewees conveyed, if their husbands earn more than them, they are invariably expected to be the ones who take the sole responsibility for childcare. This was not a sentiment solely articulated by the women interviewed, but also voiced by the men, many of whom had wives at home who had previously worked within the legal profession, but given up work to care for children. The assertion from one interviewee that

women ‘take themselves out of the game’ is a dangerous one, yet it is not one which is totally unfounded. In such a small data set, it was surprising that young women habitually voiced plans to step-back from partnership, work part-time or move to a more flexible PSF or different LLM. Evidentially, women and men did not believe that maternity leave – and all of the responsibilities that come with family life – could feasibly fit-in with a ‘successful’ legal career. For women it is a limited choice: *either* a fulfilling family life or a successful legal career. For women wanting to progress within the legal profession there is an extremely compromised choice; to ‘play the bargain’, that is, not allow their professional lives to be at all affected by the arrival of children, not to leave early, to work at weekends, to continue to socialise with clients out-of-hours, and to keep clocking high billables. This unrealistic and inflexible bargain is seemingly the only deal offered to working mothers; even if they accept the terms of this unfair deal, they will still potentially sacrifice promotional opportunities.

Ultimately, I would argue that women have extremely limited choices within provincial PSFs’ paradigm of success. Womens’ maternal body shapes, makes and breaks her careers. Their “sexed nature” or a “natural sex” is produced and established as “prediscursive”, prior to culture, a politically neutral surface *on which culture acts*.⁴⁷⁴ The non-elite female labouring body of the provinces is thus not a surface awaiting inscription or signification, but a set of boundaries which house the production of ‘gender’. Women are expected to create a gendered workplace identity, which, due to the ritualised nature of their production, becomes normalised, creating the illusion of substance, perceived as internal or innate. This gendered workplace persona is fabricated and created through a ‘repeated stylization of the body, a set of repeated acts within a highly rigid regulatory frame that congeal over time to produce the appearance of substance, of a natural sort of being’.⁴⁷⁵ For women in the provincial PSF, their labouring bodies house the production of a gendered workplace persona that conveys they are ‘naturally’ mothers and thus unable to peruse a ‘successful’ legal career. This ‘highly rigid’ frame is definable as the ‘heterosexual matrix’. In the context of the legal profession, this phrase helps to explain ‘[t]he cultural matrix through which gender identity has become intelligible’, that is ‘discrete and asymmetrical oppositions between “feminine” and “masculine”’

⁴⁷⁴ Ibid., p.7.

⁴⁷⁵ Ibid., p. 33.

which are ‘understood as expressive attributes of “male” and “female”’.⁴⁷⁶ These discrete and asymmetrical oppositions between gendered professional identities cause a ‘heterosexualization of desire’ which dictates that ‘certain kinds of “identities” cannot “exist”’.⁴⁷⁷ In the context of the legal services sector, the *successful* working mother simply does not exist.

Hand-in-hand with Butler’s contestation of the fixity and fabrication of gender is the interlinked distrust she has for the ‘fictive universality of the structure of domination [said] to produce women’s common subjugated experience’.⁴⁷⁸ Within the legal services sector, women are constantly subjugated because of their maternal, fleshy, unstable bodies. Women are presumed to be less physically able to cope with the stresses and pressures of a successful professional career. The patriarchy of the provincial law firm thus reinforces its own strength by constructing women within this flimsy, unflattering, and arguably ill-fitting framework. In line with Butler I would therefore argue that

[a]lthough the claim of universal patriarchy no longer enjoys the kind of credibility it once did, the notion of a generally shared conception of “women”, the corollary to that framework, has been much more difficult to displace’.⁴⁷⁹

Within the legal service sector, the notion of “woman” is a pervasive and powerful discourse, offering a conceptualisation of a seamless, unified group or ‘category of woman’. As feminist scholars, we ‘ought to explore the totalizing claims of a masculinist signifying economy, but also remain self-critical with respect to the totalizing gestures of feminism’.⁴⁸⁰ Butlerian theory offers a relevant and useful way of approaching the way *women and men* shape employment practices within the legal services sector. Whilst Butler’s work may be shrouded in confusion and controversy within the field of feminist geography – indeed power, parody, pastiche, sexuality and anxiety in Butlerian theory all seem *troubling* concepts – a sophisticated and rigorous reworking of Butlerian concepts offers useful methodological tools for feminist analyses of gender at work. The upcoming project for feminist geographers should be to radically reconceptualise sex/gender binaries by utilising performativity as a paradigm to deconstruct the various processes of professional identity formation which create gender stratification and segmentation within the interactive services industries.

⁴⁷⁶ Ibid., p. 17.

⁴⁷⁷ Ibid., p. 17.

⁴⁷⁸ Ibid., p. 4.

⁴⁷⁹ Ibid., p. 4.

⁴⁸⁰ Ibid., p. 13.

7

CONCLUSIONS.

7.1 Gendered Practice and the Provincial Law Firm.

This thesis has offered clear examples of gendered practices within the UK legal services sector: the existence of Old Boys Networks, of everyday sexism, of hostility towards maternity leave and working mothers, of billable-hours bonuses, and the culture of presentism. As the data shows, these practices affect the promotional opportunities offered to women and ultimately hold them back from career progression. This thesis has thus not been solely an attempt to examine gender *in* practice within the workplace, but to expose the *Gendered Practice* of provincial law firms. I coin this phrase to articulate the illicit, patriarchal and often archaic way in which these organisations practice unfair treatment towards female employees by promoting a masculinist environment which rewards men over women. Many of these PSFs pride themselves on their alleged ‘female-friendly’ high ethical standards yet ultimately do not encourage or allow women equal access to status, professional responsibility, and the associated financial rewards. Gendered Practice as a concept thus encompasses the various processes by which female legal labourers are undermined and undervalued.

In building this case for Gendered Practice, I have aimed to introduce the body of the provincial legal professional into the existing corpus of literature on gender and PSFs. The small scale of the study provides a snapshot of lawyers’ working lives within two non-capital cities in the UK. The analysis of the empirical research laid out offers a qualitative, fine-grain detail of the way men and women actively construct gendered differences at work. Written from the dual perspective of both a feminist economist and a feminist geographer, this thesis draws from the experiences of legal professionals, whose stories serve not only to introduce the ‘non-elite’ labouring legal body into existing literatures on gender and interactive service work within the field of human geography, but to demonstrate the ways in which different theoretical perspectives (which have yet to be fully utilised in feminist theory) may offer a sophisticated and relevant way of

analysing a range of behaviours in the workplace. Reappropriation of Bourdieusian, Butlerian and Foucauldian theory presents the potential for a new feminist politics of the body. This feminist politics or framework is interdisciplinary and inclusive, drawing on various different theoretical tools, offering a dual-approach to analysing masculinity and femininity in the context of professional identity formation.

Within the field of feminist geography there is scarce academic analysis of the dialectics between gender, identity, the body, and career progression within the interactive services industry. Indeed, as Haynes states, ‘little is known about the combined relationship of gender, identity and the body in professions and professional service firms’, in any academic discipline, and yet ‘the physical body is an important facet to professionalism’.⁴⁸³ In this research, I have paid particular attention to experiences of embodiment and conceptualisations of physical image, including instances of sexual harassment, maternity leave, alterations of appearance, male physical prowess, and perceptions of professionalism. Analysis of the data has exposed the ways in which the fleshy, corporeal body houses the production of a highly gendered professional identity. Evidentially, professional services workers of the provinces are ever-more aware of the inseparability of their bodily performance from the legal service that is being sold. This applies to men as it does to women; much like the bankers of McDowell’s study, male employees practice bodily maintenance, grooming, fashionable dress, and are all strikingly similar in their professional appearance. However, it women who are coerces by the capitalist and patriarchal pressures of the legal services sector into practices and processes which keep them psychologically and socially subordinate to their male counterparts. A consequence of such oppression is an estrangement from the body; female lawyers arguably experience ‘a special sort of fragmentation and loss of being *as women*’, and are often alienated from their own bodies. In heterosexual matrix of the provincial PSF, experience of bodily estrangement is a mode of psychological oppression which is ‘dehumanizing and depersonalizing’ which ‘attacks the person in their personhood’.⁴⁸⁴ As evidenced by the data, the body is a source of shame and anxiety to many female lawyers.

⁴⁸³ Katheryn Haynes, ‘Body Beautiful? Gender, Identity and the Body in Professional Services Firms’, *Gender, Work and Organization*, 2012, Vol. 19, Iss. 5, pp. 489 -507, p. 490.

⁴⁸⁴ Bartky, p. 34. As Bartky notes, Marx’s concept of alienation has two core features: the fragmentation of the human person and to a prohibition to exercise human functions. See Karl Marx, ‘Estranged Labor’ in *The Economic and Philosophic Manuscripts of 1844* (New York: International Publishers, 1964), p. 110.

Women within the legal services sector are habitually treated as objects of pleasure, their bodies sexualised by male colleagues and clients, and their professional integrity undermined. Female lawyers attract the attention of men who instigate lewd sexual jokes, harassing comments, and initiate overt flirtations. Inappropriate physical contact such as the touch of a knee, a hand in the small of the back – all serve to sexualise women and thus keep the female body subordinate. These types of misogynistic and harassing behaviours prompt a heightened sense of body awareness and an alteration of appearance to become more ‘appropriate’, ‘legitimate’ or professional. Women thus keep their ‘real’ and ‘true’ feminine personality hidden, instead performing a ‘workplace persona’ and type of ‘professionalism’ which makes them invisible, and does not attract attention. Women thus attempt to *shrink* themselves; to downplay their femininity, and ‘upsell’ their seriousness and conservatism. This performance of professionalism is ‘done’ day after day. The new professional gendered identity is totally fabricated; created through a ‘repeated stylization of the body, a set of repeated acts within a highly rigid regulatory frame that congeal over time to produce the appearance of substance, of a natural sort of being’.⁴⁸⁵ In line with this Butlerian analysis, the ‘highly rigid’ frame is definable as the ‘heterosexual matrix’ through which ‘gender identity has become intelligible’, based on ‘discrete and asymmetrical oppositions between “feminine” and “masculine”’ which are ‘understood as expressive attributes of “male” and “female”’.⁴⁸⁶ What is so interesting about the heterosexual matrix within the context of the legal profession is that ‘professionalism’ is inextricably bound to conceptualisations of male identity: the sombre, straight-laced, and logical legal profession is, *in his very essence*, male. This causes a ‘heterosexualization of desire’ which dictates that ‘certain kinds of “identities” cannot “exist”’.⁴⁸⁷ The sexually attractive legal professional cannot exist; she is only hired as ‘eye candy’. The feminine or emotional legal professional cannot exist; she is not a ‘good lawyer’. The working mother cannot exist; she is dangerous to the financial viability of the PSF. The only option for women legal services sector workers who want to succeed is to engage in the *performativity of professionalism*.

Whilst women act out these false workplace personas, men ‘naturally’ exude professionalism, sportsmanship and ‘healthy’ competition. The male body already houses the archetypal gendered

⁴⁸⁵ Judith Butler, *Gender Trouble*, (London: Routledge, 1990), p. 33.

⁴⁸⁶ *Ibid.*, p. 17.

⁴⁸⁷ *Ibid.*, p. 17.

characteristics which are in keeping with the image of the 'good' lawyer. Male performativity is thus less performed. The perpetuation of his image or identity is facilitated by the existence of the 'fraternal contact'; the sports events, after-hours drinking, and social activities. Men hold memberships to informal professional networks and sports clubs, creating masculine spaces and places to which women are effectively uninvited and unwelcome. These informal professional networks invariably assist men in maintaining professional relationships with other male colleagues, making new male contacts and potentially attract new male business. Such a macho culture which rewards male homosocial bonding perpetuates the dominance of men and further enhances their likelihood of promotion, whilst subjugating women and keeping them subordinate within the hierarchy of the PSF. When we consider the importance partnership places on pulling in new clients, the falsity of the 'trickle-up' theory becomes clear. Arguably, women's underrepresentation at the highest echelons of the legal profession (i.e. the partnership 'pool') could be due in part to the fact that they do not have access to crucial networking opportunities.

Though the masculinist, patriarchal, and elitist culture goes some way in explaining the steep and deep horizontal and vertical segmentation of the legal profession, to cast men as the perpetrators and women as the victims is nonsensical and unfair. What is evident from the empirical data carried out is that many women *choose* not to peruse career progression or promotional opportunities. This is extremely concerning from a feminist perspective, as it appears that young women in Bristol and Guildford are 'taking themselves out of the game'. They shape their future plans on the pre-empted problems of maternity leave; they look around them to see how their current PSFs treat working mothers, and to how their colleagues cope with their workloads and billable hours pressures, and realise that they can't 'have it all'. Arguably, the provincial PSF is not family-friendly (i.e. female-friendly), rather, these firms create an environment which supports and perpetuates the discourse that career progression and parenthood are mutually exclusive. Young women are conscious of the impossibility of combining a 'successful' legal career with family life and thus take themselves out of the partnership pipeline; they plan to work part-time, move LLMs, move In-House or even leave the Law altogether. Before these young women are proverbially pushed out of the heterosexual matrix by those in positions of power, they decide to remove themselves. This preservationist tactic requires urgent

academic attention, as it is potentially not solely symptomatic of the legal profession, but something which is widespread in various professional service occupations across the UK.

Feminist geographers are in a good position to theorise professional identity formation as an iterative process, focusing on analysing the ways in which geography and gender coincide to shape the employment practices of men and women across the world. This thesis has mapped out the ways in which we as scholars could begin to make more rigorous, interdisciplinary and inclusive analyses into gender and work. By drawing on two connected sets of theoretical arguments – the first being Foucault’s conceptualisation of the body as an inscribed surface, and the second being the post-structuralist work of Judith Butler regarding performativity and the heterosexual matrix – this thesis has shown how different methodological tools can help us to examine gender segmentation and stratification within the interactive services industry. I have begun to lay a foundation for a new feminist framework which does not look at the working lives of men and women in isolation from one another, but aims to interrogate gendered constructions of professionalism side-by-side. This fleshes out an interdisciplinary and inclusive feminist politics of the body.

7.2 Further Recommendations for Future Research.

My recommendations for future studies into gender, the body and power within the legal services sector focus on the interplay between gender and race. Regrettably, discussions relating to race have not featured in this PhD thesis as I have not had the space to embark on such a weighty matter. The empirical research did, however, through up some interesting findings with regards to racial diversity; notably, there were only three BME lawyers amongst the interviewees, and only one self-identified as mixed race. This one mixed race woman spoke very articulately about racial diversity in the Bristol LLM, and by including her comments here I hope to show the importance of perusing further research into this field:

the Bristol corporate world – not just law – is *not* diverse and *not* inclusive. I think I’m probably one of a handful of BME corporate lawyers... It’s not that its backwards, it’s just that it suffers from a huge amount of unconscious bias, and outright bias. It’s just the way that recruitment... I mean it’s not that people don’t think about it, and don’t know that

they're doing things wrong. I think that more than ever now people are looking at the way that they recruit, and thinking about how potentially it's not inclusive, but I mean for example here – and this is something that they are intending on changing because we've had lots of conversations about it – anyone that is given work experience tends to be people who are known by people who work here, which means that instantly that if you're *not* known by people that work here you don't stand a chance. So just that process is not inclusive. It's *exclusive*. So you tend to get more people like the people that are already *in*, working. And that's across the board, in the legal industry. I think bigger firms, just in terms of outlook, they obviously want to introduce more diversity policies, and just because they want to ...they look...it's an accepted...I don't know, *concept* or ideology – I can't think of the right word – that the more diverse you are, the more innovative you are. So there are probably more diverse than smaller firms and have looked at it in a better way. ..Its things like the Black Solicitors Network and their diversity league has had a huge impact on firms in London, so there are major firms, Magic Circle firms, because it's a competitive thing, so they get up on the diversity league. And that has had an effect on bigger firms in Bristol. I know that some of the bigger ones like being involved in that sort of thing. What's happening in London, they like to follow it. But that's not trickled down to this level.

What is fascinating in the context of the trickle-up fallacy is the notion here of a trickle-down effect which relates to racial diversity quotas – with an alleged geographical discrepancy between elite London (notably Magic and Silver Circle) firms, and the less inclusive provincial PSFs. This is extremely relevant to the project of analysing power, PSFs, gender and geography. Unfortunately, there was simply not enough race-related content to fully analyse this issue within the main body of the thesis. Evidentially, this is fertile soil for future research. It would be fascinating to examine diversity and inclusion quotas and the incidence of positive discrimination, also taking into account geographical disparities between City and non-City firms.

Another suggestion for future research would be to further develop my feminist methodology and framework, which could be used by future feminist geographers. There is one particular theorist who I think captures the issues of heightened body awareness very well – that is, the self-scrutiny and self-surveillance which creates these feelings of wishing to hide or shrink the body. Dolezal coins the term '(In)visibility' to highlight the duality of female experience, elucidating the almost ironic way in which whilst women's bodies are subject to a scrupulous gaze, and yet as social subjects they are unseen.⁵⁰⁷ The objectifying gaze is seen to induce an uncomfortable awareness of the corporeal body, provoking feelings of exposure and shame.⁵⁰⁸ According to Dolezal, this self-consciousness instigates a sort of defence-mechanism; the drive for

⁵⁰⁷Luna Dolezal, 'The (In)visible Body: Feminism, Phenomenology, and the Case of Cosmetic Surgery', *Hypatia*, 2010, Vol. 5, pp. 357-375, p. 357.

⁵⁰⁸Ibid., p. 360.

acceptance comes into play, consequently compelling the subject to adhere to the dominant standard of bodily appearance.⁵⁰⁹ Changing dress, hair, and bodily gait could be considered ‘a means to achieve normalization, a means to avoid stigmatization [by] ensuring the social and phenomenological invisibility of the body’.⁵¹⁰ Potentially (In)visibility could offer a way for understanding the often contradictory motivations of the female legal professional. In line with Dolezal’s argument, this bodily experience prompts a sort of defence-mechanism, and making the body invisible – through conservative clothes or less makeup – is a tactic employed to decrease feelings of self-consciousness or exposure. In my own future research, I would like to further develop a feminist politics of the body which is specific to the way women engage with interactive services work. I shall investigate the ways in which women prepare the body for work; focusing specifically at beauty regimes and body modifications which are used to achieve ‘normalisation’ and present the body as ‘professional’.

⁵⁰⁹ Ibid., p. 361.

⁵¹⁰ Ibid., p. 369.

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APPENDICIES

i) Semi-Structured Interview Schedule.

Introduction for the participant:

“I’d like to hear about your experiences working in law. I am going to start by asking you a series of generic questions about your background, and as the interview progresses, we will go on to some more weighty issues. If you don’t want to answer a question, just pass, and we will go on to the next. In the latter stages, I will delve in to some more specific issues that you have commented on. Don’t think of this as a Q&A, but more of a two-way conversation about your career. Either now, or at the end, you can ask me any questions that you have.

BACKGROUND:*(note that these sub-headings were for the researcher, and were not referred to during the interview).*

- Q1. When did you first enter the profession?
- Q2. What attracted you to the law?
- Q3. Which route did you take to become qualified? Where did you go to University?
- Q4. What is your position/job title now?
- Q5. Can you briefly explain your role to me?
- Q6. How long have you been at the firm?
- Q7. What are your normal working hours?
- Q8. How many hours a week do you spend working outside of those hours?
- Q9. Do you have children? If so, may I ask about child-care arrangements?
- Q10. Are you married? Cohabiting?

IMPORTANCE OF PLACE:

- Q11. Do you enjoy working in Bristol/Guildford?
- Q12. Is there a reason you chose the city to live/work?
- Q13. Do you ever work at other offices within the firm?
- Q14. Do you feel suited to the size of firm at which you work at?
- Q15. Have you worked in London?
- Q16. Have you working internationally within law?

NETWORKS:

- Q17. Do you take part in out-of-hours socialising?
- Q18. Do you partake in sports activities with colleagues?
- Q19. Are there annual or seasonal events the law firm hosts?
- Q20. Do you belong to any formal professional network groups?
- Q21. Roughly how many other lawyers do you know in Bristol/Guildford?

PAY AND PROGRESSION:

- Q22. How would you say has your career progressed since you joined the firm?
- Q23. Have you taken any maternity/paternity/parental leave or sabbaticals?
- Q24. Without speaking in numerical terms, can you tell me a little bit about your pay scale and remuneration scheme?
- Q25. Would you say that you are you happy with your salary?
- Q26. Are there any times in your career when you have negotiated a salary?
- Q27. What has been the highlight and lowlight of your career? You can answer this either way round.
- Q28. What messages would you give others who are considering a law career?

Final questions or remarks:

“We’ve reached the end of the interview. Is there anything else you would like to add?”

ii. **SSEGM ETHICS SUB-COMMITTEE APPLICATION FORM.**

1. **Name(s):** Jennifer Eileen White
2. **Current Position** PhD student
3. **Contact Details**
Division/School: Geography and Environment
Email: jew1r12@soton.ac.uk
Phone: 07966689986
4. **Is the proposed study being conducted as part of an education qualification (e.g., PhD)**
 Yes
5. **If Yes, state name of supervisor**
 Dr. S. Reimer, Prof. P. Sunley
6. **Title of Project:**
 Gendered Practice in the Provincial Law Firm: Pay, Progression and Parenthood
7. **What are the proposed start and end dates of the study?**
 22.09.14 – 22.12.14
8. **Describe the rationale, study aims and the relevant research questions**

Significant structural transformations to the legal labour market have taken place over the last thirty years. The influx of women into the sector has been accompanied by an increasing stratification of the profession by gender and race; while men still dominate the most prestigious and well-paid positions, women crowd high-street firms and administrative roles. Human geographers have written much about the workplace, but have yet to recognise the law firm as a site of significant change. This PhD project will focus specifically on the gendered stratification of the legal sector and seek to understand the career choices both men and women make which may contribute such divisions. Case studies will focus on three central themes: pay, progression, and professional identity formation. Specific objectives are to:

1. Evaluate evidence of a gender-based pay differential in the legal profession as a whole.
2. Explore the importance of place and attitudes towards the ‘provincial’ or local legal labour market.
3. Examine the role that of the professional service firm (PSF) in identity formation and the conceptualisation of professionalism in specific firms.
4. Identify the inter-relations between gender, embodiment and the legal workplace in the view to specifying why divisions in regional law firms exist in the UK today.

9. Describe the design of the study

A three-tiered design:

1. An overview of human geography literature on employment and the body from the last fifty years; a specific literature review on the gender-focused literature on professional service firms.
2. Interviews focused on employee experience in two local legal labour markets: Guildford and Bristol. Qualitative interviews with 40 men and women across a max. of 10 different law firms.
3. Analysis of audio-recorded and transcribed career ‘stories’ from the 40 participants.

10. Who are the participants?

Lawyers, paralegals, partners, assistants and associates from Guildford and Bristol.

11. If you are using secondary data, from where are you obtaining it?

Relevant literature from online journals and hard copy books loaned from the university, employment legislation documents, ONS statistics, local authority reports, local council documents available to the public online.

12. If you are collecting primary data, how will the participants be identified, approached and recruited to the study? (Please attach a copy of the information sheet if you are using one)

The gatekeepers of the law firms will be approached first in writing, and invited to participate in the study. I will attach an information sheet, which will be very concise but still explain the intention of the study fully. I will send these documents in post to ensure they arrive in the right hands, and not stuck in an internet mailing system. Following the gatekeeper’s consent, employees will be informed via company emailing system, and asked to ‘sign-up’ for the study. Information about the study will be available in an attached information sheet. I will also offer hyperlinks to my website, which will explain the study in more detail, should prospective participants wish to know more at this stage.

13. Will participants be taking part in the study without their knowledge and consent at the time (e.g. covert observation of people)? If yes, please explain why this is necessary.

No.

14. If no to 13, how will you obtain the consent of participants?

(Please attach a copy of the consent form if you are using one)

After email correspondence, I will email them with a consent form, so they can review this beforehand. Then, at the interview I will reiterate the key points of consent and withdrawal to them, and ask them to sign the form should they feel comfortable to do so. (See attached consent form).

15. Is there any reason to believe participants may not be able to give full informed consent? If yes, what steps do you propose to take to safeguard their interests?

No.

16. If participants are under the responsibility or care of others (such as parents/carers, teachers or medical staff) what plans do you have to obtain permission to approach the participants to take part in the study?

n/a

17. Describe what participation in the study will involve for study participants. Please attach copies of any questionnaires and/or interview schedules to be used

Interviews will predominantly take place in the law firm at which the participant works and will take between 30-40 minutes. Topics to be addressed in the interviews will be vetted by the gatekeepers beforehand. Interviews will be audio-recorded with their consent. Due to the time commitments and busy schedules of these professionals, I will be as flexible regarding when interviews take place.

18. How will it be made clear to participants that they may withdraw consent to participate at any time without penalty?

It will be clearly stated from the very beginning of correspondence, and of course reiterated before interview. It will be worded in the both the information leaflet and on the consent form.

19. Detail any possible distress, discomfort, inconvenience or other adverse effects the participants may experience, including after the study, and how this will be dealt with.

There are no adverse emotional effects are expected from participation in this study.

20. How will participant anonymity and confidentiality be maintained?

The participants will be provided with full, unequivocal anonymity. Throughout the final written document, pseudonyms will be used at all times when quoting from interview transcripts. If other measures need to be taken to ensure anonymity, these will be taken. The information obtained during the interview will not be shared with anyone other than my supervisors. The data will only be stored in my password protected personal laptop, not on university shared computer systems. No one other than me will know the full names of participants. Supervisors will only know pseudonyms.

21. How will data be stored securely during and after the study?

I will strictly adhere to the Data Protection Act and university policy. Data obtained will only be stored on my personal laptop, which is password protected and is only used by myself, (no family, partner or spouse). I will ensure that the ways in which I back-up the data are in accordance with the Data Protection Act and university policy on storage of data.

22. Describe any plans you have for feeding back the findings of the study to participants

On finalisation of the project, I will be more than happy to share general findings with interested participants. No direct quotes will be used in information sharing, or information directly relating to their firm, just general observations about the legal sector in Guildford and Bristol.

23. What are the main ethical issues raised by your research and how do you intend to manage these?

The only major ethical issue I envisage is the maintenance of the participants' anonymity, best interests and the type of confidential information they may impart. I will be dealing with topics including pay and progression, and thus perhaps their thought of colleagues and superiors, management styles and benefits and rewards structures in the firm. Anonymity is of utmost importance in order to protect their professional integrity. Of course people working in the legal profession are learned and conscientious of the issues surrounding employment and thus I feel no real danger of them speaking 'out of turn' and placing themselves in jeopardy. Nevertheless, anything they disclose in the interview will be confidential to the highest degree.

24. Please outline any other information you feel may be relevant to this submission.

n/a.

iii. Letter to Prospective Law Firms.

Miss Jennifer Eileen White
Room 1077
Shackleton Building 44
Geography and Environment
University of Southampton
SO17 1BJ

Friday 15th August

Dear XXXX,

I am writing to invite employees from XXXX to participate in an academic study being undertaken at the University of Southampton's School of Geography and Environment entitled "Gendered Practice in the Provincial Law Firm". This is a small, single-handedly run PhD project, comprising of one-off interviews with just forty legal professionals located in Bristol and Guildford.

The rationale for this study is as follows; lawyers who work outside of London comprise the majority of the legal labour force, yet geographers and employment researchers know very little about their working lives. It is hoped that the findings of this study will contribute to the literature on local labour markets and what little is known about the legal sector from this perspective.

Participants are offered total anonymity. Interviews will take place at a time and place which is convenient for employees, and for the firm. I attach an information sheet, which outlines some further information regarding data collection and privacy. Should you have any further questions or requests, please do not hesitate to contact me.

I really hope that your firm chooses to be involved in this study. I will of course be very happy to share the findings of my research with your firm. As a partner, I have chosen to contact you specifically, but if there are other colleagues who deal with these types of requests at your firm, then I would really appreciate if you could forward my request.

Best regards,

Jennifer E. White

[Study Ethics Number: XXXX]

iv) Information Sheet: Professional Service Firms Study

I would like to invite you to participate in a research project at the University of Southampton's school of Geography and Environment which looks at the. This leaflet explains what is involved. Please read it through before you decide whether or not you would like to participate.

What is the research about?

Law firms outside of London.

The research includes interviews with legal professionals in a variety of different sized firms in Guildford and Bristol.

It is hoped that the findings of this study will contribute to the literature on local labour markets and what little is known about the law from this perspective.

What is involved in taking part in the research?

The interview can take place when and where is most convenient for you, and should take around 30-45 minutes of your time.

Will my participation be confidential?

We will be audio-recording the interview, but this material will only be available to our research team. No information about you will be shared with anyone else. Your interview material will be stored securely on computer in compliance with the Data Protection Act and the University of Southampton policy.

When we publish any material from the project we will make sure that your identity is protected. We will use pseudonyms only.

What happens if I change my mind?

We will ask you to sign a consent form when we come to interview you, which states that we can use the material from your interview. You can withdraw from the project at any stage and we will not use the material if you wish.

Where can I get more information?

If you have any questions about the research project and your participation please contact us using the email details below. We will be happy to answer your questions, either by email, phone, or by arranging to meet you if this is convenient.

*If you have any concerns or complaints about this study, please contact me at:
jew1r12@soton.ac.uk.*

v) Consent Form: Professional Service Firms Study.

Please initial the boxes if you agree with the statement(s):

I have read and understood the information sheet and have had the opportunity to ask questions about the study.

I agree to take part in this research project and agree for my data to be used for the purpose of this study.

I understand my interview is audio-recorded unless I state otherwise.

I understand my participation is voluntary and I may withdraw up until the point of writing up and publication without my legal rights being affected

Data Protection

I understand that information collected about me during my participation in this study will be stored on a password protected computer and that this information will only be used for the purpose of this study. All files containing any personal data will be made anonymous and my name protected by a pseudonym.

Participant name (please print)

Participant signature

Date

As the researcher and person in charge of this study I will not share the information imparted during interview to anyone except my academic supervisors. I will protect the anonymity of all participants with pseudonyms and any other measures necessary to protect their identity.

Researcher name (please print)

Researcher signature

Date

Study ethics number: XXX

vi) Risk Assessment Form.

Please see Guidance Notes for completing the risk assessment form at the end of this document.

Researcher's name:

Jennifer Eileen White

Part 1 – Dissertation/project activities

What do you intend to do? (Please provide a brief description of your project and details of your proposed methods.)

This PhD project will focus specifically on the gendered stratification of the legal sector and seek to understand the career choices both men and women make which may contribute such divisions. Case studies will focus on three central themes: pay, progression, and parenthood. This PhD project comprises of a review of existing documents and analysis of qualitative interviews with 40 participants.

Will this involve collection of information from other people? (In the case of projects involving fieldwork, please provide a description of your proposed sample/case study site.)

Interviews will collect career stories from 40 legal professionals. 50-70 minutes long. Taking place on-site of law firm.

If relevant, what location/s is/are involved?

Offices or conference rooms in participating law firms in Guildford and Bristol.

Will you be working alone or with others?

Interviews will be conducted alone.

Part 2 – Potential safety issues / risk assessment.

Potential safety issues arising from proposed activity?

Apart from the usual everyday risks involved at the workplace, there are no safety issues for the interviewees.

Beyond train travel and everyday safety risks, there are no serious threats posed to me as an interviewer.

Person/s likely to be affected? <i>Myself only, due to travel.</i>
Likelihood of risk? <i>Extremely low.</i>
Part 3 – Precautions / risk reduction
Existing precautions: <i>Supervisors and colleagues will be told in advance when I have an interview and where it is being held. I will be keeping in touch via email, text and telephone for the entirety of my time on the field.</i>
Proposed risk reduction strategies if existing precautions are not adequate: n/a

Part 4 – International Travel
If you intend to travel overseas to carry out fieldwork then you must carry out a risk assessment for each trip you make and attach a copy of the International Travel form to this document
Download the Risk Assessment for International Travel Form
Guidelines on risk assessment for international travel at can be located at: www.southampton.ac.uk/socscinet/safety (“risk assessment” section).
Before undertaking international travel and overseas visits all students must:
<ul style="list-style-type: none"> • Ensure a risk assessment has been undertaken for all journeys including to conferences and visits to other Universities and organizations. This is University policy and is not optional. • Consult the University Finance/Insurance website for information on travel and insurance. Ensure that you take a copy of the University travel insurance information with you and know what to do if you should need medical assistance. • Obtain from Occupational Health Service advice on any medical requirements for travel to areas to be visited.

- Ensure next of kin are aware of itinerary, contact person and telephone number at the University.
- Where possible arrange to be met by your host on arrival.

If you are unsure if you are covered by the University insurance scheme for the trip you are undertaking and for the country/countries you intend visiting, then you should contact the University's Insurance Office at insure@soton.ac.uk and check the [Foreign and Commonwealth Office website](#).

**Risk Assessment Form for
International Travel attached**

NO

(Delete as applicable)

v.ii Thematic Coding Method.

NVivo, a Computer Aided Qualitative Data Analysis Software (CAQDAS) package was used to help organise, manage and interpret the data. NVivo facilitated a rigorous qualitative analysis of the large body of interviewed transcripts. For example, the interpretation process involved:

- Importing textual data (transcripts) from Word.
- Organising and classifying the data in terms of codes and nodes (see example list below).
- Adding interpretations of the data in the note-making facility of the software, which I could then refer back to during the write-up.
- Querying and searching data for certain words or phrases, and assessing the amount of times (%) a theme appeared.

I did not use visual models, maps, or graphs to interpret the data, though this facility is available on the software package, rather, I focused on the text, grouping together various different passages of text by their dominant themes. The approach taken was based loosely on the principles of grounded theory, drawing also from feminist linguistic analysis in that I focused on gender. Intense reading and re-reading took place to ensure all of the relevant ideas within the transcripts were recorded, coded and categorised. This creating a framework of thematic ideas from which I could then identify the most prominent issues for provincial legal services professionals.

List of Nodes:

Race
Recession
Womens' Networks
Women in Law
Unconscious Bias
Sport
Technology
Salary satisfaction
Performativity
Paternity
Old Boys Club
Non-Mums
Networking
Maternity Leave
London
Local Labour Market
Job Satisfaction
In-House
Glass Ceilings
Flexible Working
Childcare
Career Progression
Billable Hours
Legal recruitment agent