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Gender differentiation at work: cultural capital and the conceptual articulation of structure and agency.

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Gender differentiation at work: cultural capital and the conceptual articulation of structure and agency.

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This paper explores the application of concepts drawn from the work of Pierre Bourdieu to the relative influence of structure and agency on the position of women in the legal profession. The principal concepts are those of *field*, *habitus* and *cultural capital*, and we are primarily interested in the way in which these might be used to resolve the tension between two contrasting types of account of women's position in the labour market. We ground this exploration in our work on the relationship between women as lawyers, and the very complex and differentiated labour market which the legal profession(s) now represents in England and Wales, as in other jurisdictions. However, we will not be concerned with a detailed account of the empirical evidence on the standing and positioning of women in these markets, which have received substantial attention elsewhere, (McGlynn, 1998; Sommerlad and Sanderson, 1998; Thomas, 2000), but rather with attempting to develop the conceptual framework by which that positioning may be understood.

The first type of account, broadly encompassed by the label of 'gender stratification theory' identifies inequality in the legal labour market, as in any other labour market, as the product of structured inequities and barriers, which results in women being positioned in strata or segments characterised by inferior rewards in terms of economic goods or social status. This positioning occurs in spite of any act of will or

choice on the part of the women concerned. The second type of account, of which rational preference forms of human capital theory are the most obvious example, emphasises the power of women's choice, and tends to minimize the significance of structural constraints on these choices. Women, by reason of their essential disposition, or as a result of lifecourse choices uniquely available to them, allocate themselves to areas of the market which meet their economic or emotional needs. There are both human capital and feminist variants of this formulation, and it has the undoubted merit of challenging the dominant orthodoxy about the cultural hierarchy of occupations which can be seen as representing a mirror image of their economic status. As Jill Radford has argued:

'Defining success for women in narrow individualist terms of "getting to the top", securing partnerships and high legal office, overlooks significant questions relating to whether it is possible for law women to position themselves within struggles for progressive legal change', (Radford, 2000, p 181).

The tension between these two accounts is such that it is difficult to occupy a median position which argues that women do indeed make active choices, but that they do not have the same power to will or manipulate outcomes as men, and that their initial choices are conditioned by their awareness of inequitable structures. Our previous work on women lawyers has been critiqued on the grounds that it did not draw a clear distinction between culture and structure (Evetts, 2000) and because it ignored the choices made by radical women lawyers who purposefully worked in political rather than commercial environments:

One of the main purposes of this paper, then, is to explore the nature of women's choices, and to develop the theoretical articulation between structure and agency in such a way as to acknowledge women's agency in the real choices they make in and between law jobs, whilst also keeping in view the consequences of structured domination.

Bourdieu argues in *Masculine Domination* that the choice/constraint dichotomy is a misleading one:

'the only way to understand this particular form of domination is to move beyond the forced choice between constraint (by forces) and consent (to reasons), between mechanical coercion and voluntary, free, deliberate, even calculated submission. The effect of symbolic domination is exerted not in the pure logic of knowing consciousness but through the schemes of perception, appreciation and action that are constitutive of habitus, and, below the level of the

decisions of consciousness and controls of the will, set up a cognitive relationship that is profoundly obscure to itself.' (2001, p 37).

Nevertheless Bourdieu has been accused of determinism and pessimism (Alexander 1995), and certain aspects of his account of masculine domination appear to support this interpretation: the identification of gender domination through symbolic violence as universal and transhistorical, and the emphasis on translation of masculine domination into women's embodied subjection and acts of self-exclusion, to take two examples. Where he explicitly deals with women's entry into the professional field, he is clear that the changing gender composition of professional workforces does not change the essential structures of domination:

'The same logic governs access to the various professions, and to the various positions within each of them: in work as in education, the progress made by women must not mask the corresponding progress made by men, so that, as in a handicap race, the structure of the *gaps* is maintained.' (2001, p 91).

In any event, Bourdieu argues, following Carter and Carter (1981) and others, women would never have obtained entry to these professions without fundamental changes in the structure of professions and the diminution of their status (id.). The structure of spaces is maintained, he argues, in a clear but unoriginal passage, by three practical principles: women perform occupational functions which are an extension of their domestic functions; women can not have authority over men, and men possess a monopoly of managing technical objects and machines (op. cit., p 94). What remains obstinately opaque in Bourdieu's account in *Masculine Domination*, is the process whereby, in the face of formal equality, this rigid structure is perpetuated.

It is our argument that the concepts characteristically employed by Bourdieu in his analysis of relations of domination other than those based on gender, provide resources for a more detailed and layered account of women's experiences in the professional labour market than that which he actually offers, one which helps to ease the tension between explanations which depend on structure and agency as competing explanatory variables. These key concepts are *habitus*, *field* and *capital*, and of the forms of capital identified by Bourdieu, we will primarily be concerned with cultural capital.

Field

A field is defined as a network or configuration of objective relations between positions (McNay, p 106). A field is the locus for the production of specific forms of capital, economic, social, cultural and symbolic, over which actors in the given field struggle and power relations crystallise. The exact nature of this struggle is often obscure in Bourdieu's writing, as is the exact character of what is meant by 'capital' (of which more below). Similarly, it is not entirely clear what can constitute a 'field': whether it is the nature of what is 'produced' in the field (the 'literary field'); whether it can be defined by occupational boundaries (the 'bureaucratic field'), or by a modality of social relationships ('field of power', 'juridical field'), or mode of communication ('linguistic field'). The field of Power appears to be an overarching category which contains, or overlays, all other fields: hence the notion in *Masculine Domination* that women's chances of achieving prominence in a field depends on its distance from the centre of the field of power: 'the dominant positions, which they occupy in increasing numbers, largely lie in the dominated regions of the field of power' (2001, p 92).

In the legal profession one could assume that the field of Power was represented by the concentration of economic capital in the forms of commercial practice specialisms, such as commercial property, insolvency and tax, with their direct connections into global capital markets. One of our respondents noted the cultural power of the corporate departments:

'We think like our clients, and so we act exactly like our clients; we adopt their mentality, so if they expect something to happen at 10pm then we do it; we never say "I'm afraid that's unreasonable" – it's done unquestioningly, especially in the corporate department where there is also the real macho thing about early morning completions, and of course boasting about it. So when they've done one you get a spate of emails from them saying we did our completion of such and such a job at 4am this morning or whatever. And it's the corporate department which sets the tone of the dominant culture – it's very very influential.'

However, Hagan and Kay identify the status of partnership as a generic locus of control of firm's cultural capital, no matter what the nature of the specialism. However, our research indicates that power relations between different specialisms / fields persist within partnership, and that power & prestige is retained by partners from corporate specialisms such as insolvency, and that, conversely, those from low earning 'feminised' specialisms (not just family but corporate property) are marginalised.

The field or fields of law can therefore be seen as organised around, variously: proximity to law-making; hierarchies of forms and specialities of practice; hierarchies between firms; hierarchies within firms. Patterns of segmentation evident in the solicitor's profession in England and Wales might appear to bear out Bourdieu's postulate, in that women are predominant in segments characterised by lower earnings, both in terms of the overall earnings available for the specialism, and for the stratum of work (Sanderson and Sommerlad, 2000).

There is some slippage in Bourdieu's use of the concept of the field, between *field*, *market* and *game*. In 'Language and Symbolic Power'. *field*, and particularly, *market*, are predominant whilst in 'Masculine Domination', the concepts of 'game' and 'stakes in the game' are used more frequently as the text progresses. It is not clear whether the terms are to be regarded as synonymous, or whether they have some systematic relationship to each other, whether, for example games appear within fields or markets, and whether stakes are, literally, a form of gambling, representing investment in strategies against an uncertain future, or whether they are in fact a form of capital. In his discussion of Virginia Woolf's *To the Lighthouse*, in *Masculine Domination*, Bourdieu claims that 'among the games that are constitutive of social existence, those that are called serious are reserved for men, whereas women are confined to children and childish things' while arguing that this helps to mask the fact that 'men are children playing at being men' (2001, p 75). Women have 'the entirely negative privilege' of seeing through masculine games of privilege and display (id.), because their upbringing predisposes them to enter the game 'in a position that is both external and subordinate' (p 79). The percipience, along with the powerlessness in terms of being able to affect 'the game', is captured in the following response:

'The culture of the unit I'm in at the moment is very laddish. All loads of beers, lewd comments about you, or about how someone else looks - that sort of thing. There's some blokes - mainly the older ones, probably in their later 40s - who call women birds. They've called me a bird. Some young blokes do it too. I do complain, say I find it sexist but they just say I'm a bit odd. I mean I'm always going on, when they arrange some client trip abroad say, I always say are you going on a free beano to watch football? That's what it looks like to me. A free drinking, boys out together trip. One of my colleagues is going skiing for 4 days with a client. I said are you taking it as holiday, he just blustered.'

Bourdieu cites Kant's view, so resoundingly echoed in judicial pronouncements in the Persons Cases, that women can engage in civil affairs only through a representative (id). This apparently ossified notion of male games appears to offer women no status as agents at all, though it has an attraction in providing a metaphor for the kind of rule-guided behaviour, for which men determine the rules, which our women respondents have found opaque and mystifying.

The market metaphor is in a sense more analytically useful, in that it allows us to take into account the shifting nature of women's positioning in the legal labour market, the way in which the values of attributes and commodities rise and fall through a process of the valorisation of cultural capital, and to see this within the context of hierarchical power relations in any given field or market. Bourdieu describes a process of price formation where the price (or value) of an utterance is determined not simply by its intrinsic properties, but by the objective positions that interlocutors occupy in the field of power:

'Utterances receive their value (and their sense) only in their relation to a market, characterized by a particular law of price formation. The value of the utterance depends on the relation of power that is concretely established between the speakers' linguistic competences, understood both as their capacity for production and as their capacity for appropriation and appreciation: it depends, in other words on the capacity of the various agents involved to impose the criteria of appreciation most favourable to their own products' (1991, p 67)

We will return to the concepts of price and value in our discussion of cultural capital below, but a key aspect of this model of price formation is that it is not abstractly determined, but is rather the subject of struggles over appropriation and appreciation, though within a structure where superordinate relations of power in the material world privilege some actors, who then have the power to determine legitimate forms of expression.

In terms of the manifold terminology, for the sake of clarity in this paper, we will work to a model where the *field* is the site of production of capital, and contains within it the *market* in which this capital is exchanged. *Games* may be conceived of as forms of production of specific masculine cultural capital. *Fields* are most usefully conceived of, not as separate and mutually exclusive territories, but as overlapping and inter-related social spaces in which agents are positioned, through which, and between which, individuals may move, and where capital accumulated in another

field may be deployed and exchanged. These social spaces have different orders of magnitude: so it might be argued that the field of Power overlays all other social fields, and the private and public field encompass between them all other fields- individual fields also having the possibility of possessing both public and private dimensions.

An issue which appears to arise from Bourdieu's theory of practice is the extent to which women are seen as having a place in either field or market. We have already alluded to the references in *Masculine Domination* to women being 'outside the game'. Bourdieu's reliance on an analysis of relations of domination among the Kabyle of North Africa could be seen also as predisposing him to a model which sees women as cultural capital rather than the bearers of cultural capital, or as Terry Lovell puts it, 'Bourdieu recognizes women's status as capital bearing objects whose value accrues to the primary groups to which they belong, rather than as capital-accumulating subjects in social space' (2000, p 37).

The question then is whether the model of honour-based social systems such as the Kabyle is directly transferable to 'modern professions' (we will suggest later that the analogy is worth pursuing in the context of England and Wales). Bourdieu states: 'When - as is the case in Kabylia - the acquisition of symbolic capital and social capital is more or less the only possible form of accumulation, women are assets which must be protected from offence and suspicion, and which, when invested in exchanges, can produce alliances, in other words social capital, and prestigious allies, in other words symbolic capital.' (2001, p 45) Women in such honour-based systems represent male reputation and therefore the symbolic capital of the whole lineage: translate this model to the firm, and the complex attitude towards both women's sexuality and their participation in male rituals such as drinking may be more clearly understood, as for instance in these descriptions, firstly of the semi-compulsory 'game' of after hours socialising, and secondly of the use of sexuality as cultural capital:

'On the other hand it's very tricky, like they often try and get you drunk, you know just keep plying you with drinks and the blokes often get absolutely drunk but I think you've got to maintain your professionalism, and keep in control. I know a lot of the junior women do find it difficult; like I say they'll deliberately try and get you drunk and like this one woman just passed out and even though they were largely responsible that won't do her any favours in their eyes. Certainly if you want to be partner you have to think that you've got to be able to tell people what to do, got to be able to always be professional and in control, so that would be a really

bad mark. What if men got that drunk? well, they do, yes and no I don't suppose it has any effect on their careers at all.'

'I saw a number of women who saw their way of getting on by being slightly flirtatious; but then they find it difficult to establish the authority. So a team might see it as quite good to have them as the flirty glamorous girl on the deal but you're not going to get very far.'

However, Lovell points to the Balkan tradition (also present in other cultures) whereby women can become 'social males' in exchange for commitment to celibacy (2000, p33). Some of the accounts of our respondents provide an echo of this exchange, not an exchange involving celibacy, but an exchange involving the relentless expulsion of the domestic sphere from their public lives, or 'payment' in kind for reserving a part of life for the domestic sphere, as described by one single female solicitor observing colleagues working flexi-time:

'But I think these women really had to pay for organising their days flexibly. I mean they also did all the duty work - the solicitors' duty scheme, on call during the evening and at weekends. So whilst they were allowed to do it, they did still have to put in more overtime to pay for it - working every lunchtime. It was like "OK, you don't have to do 9-6 but for that privilege you have to do all the other out of hour things" That was just the feeling what the bargain was.'

The field is occupied by actors whose dispositional propensities can, of course, as Bourdieu acknowledges, change the nature of the field, both in terms of its doxa, and the nature of cultural capital within it, though he also notes the way in which the external relations of domination make such change complex and difficult.

Habitus

The concept of *habitus* is the foundation of Bourdieu's dispositional theory of social action, and refers to 'systems of durable, transposable dispositions, structured structures predisposed to functions as structuring structures, that is, principles of the generation and structuring of practices and representations which are objectively "regulated" and "regular" without in any way being the product of obedience to rules' (1977, p 72). Whilst Bourdieu uses the concept to reject the fallacy of 'the free and wilful power to constitute, on the instant, the meaning of the situation by projecting the ends aimed at its transformation' (op cit, p 73) he equally argues that a dispositional theory is opposed to the idea of mechanically determined roles. As McNay points out, *habitus* is a generative phenomenon, which provides individuals

with the resources to adopt strategies to deal with new and unpredictable situations (McNay, 1999, p 100): 'within certain objective limits (the field), it engenders a potentially infinite number of patterns of behaviour thought and expression that are both "relatively unpredictable" but also "limited in their diversity"' (id.).

So far from representing fixed and determined sets of mechanical responses, similar to the idea of conditioned response in behaviourist psychology, the habitus 'establishes an active and creative relation ... between the subject and the world' (McNay, op cit, p 100). This active and creative relation exists in a temporal dimension where practical knowledge is brought to bear on a changing world which it helps to change, and where the habitus can be disposed towards a future of divergent alternatives (Fowler, 2000, pp4-5; McNay, p101). This assumes that all social actors are in a position to imagine alternative futures, and to realise their imaginations. While some groups in modern post-enlightenment societies can conceive of the future as an extension (or protension) of the present, for classic societies based on subsistence agriculture, time represents a repetition of cycles of seasonally determined activities, and for other marginalised groups in modern society, the future is experienced fatalistically as a repetition of the emptiness of the present (Fowler, 2000, p 5).

There are two further developments of the idea of habitus which support the development of a link between women's role in the domestic sphere, and the constraints on their active development of a professional identity. The first concerns the fact that, while habitus has in the past been understood as a highly fixed and determined representation of identity, McNay amongst other has argued that it is fact unstable, and dependent on the field within which the actor is positioned:

'The embodied potentialities of the habitus are only ever realized in the context of a specific field and, therefore, rather than being a generalized capacity, reflexivity is an irregular manifestation dependent on a particular configuration of power relations' (1999, p 108).

Thus, in a similar fashion to the way in which, in transactional analysis, a social actor can frustrate the attempt of another to realise their adult status, so specific forms of social identity are difficult to accomplish in the face of misrecognition by others. One form of misrecognition is the assumption on the part of male lawyers that women lawyers do not in fact have the same approach to time: that, in fact, they are locked into a repetitive time cycle based on their reproductive role:

'and now they've made up 6 new partners, and they're all in the same mould. By that I mean they work very hard, have supporting other halves who stay home and make home. Two of them are young, the most senior 46, the youngest 32, yet they all have traditional patterns of life. So these people work with women, women who are professional in exactly the same way as them and yet in their own private lives they have a very traditional set up where they work all day and their wives though also young are homemakers - so there's this real discrepancy between their female co-workers and the significant others in their own lives ..and that must affect the way they view their female colleagues and the way life should be ordered'

So although women establish a firm sense of professional identity which overlaps or intersects with their gender identity (so that some women may feel like a 'lawyer first'¹ or may identify as a woman lawyer, or may have a more detached sense of the relationship between the two), they still have to establish this identity with male co-workers you may reject them either as women, as lawyers or as women lawyers. This particular modality of power relations can induce anxiety and alienation for women, even when they have a strong sense of gender identity:

'I think women do have to adopt a persona to deal with this world, because it's a male world and men have shaped it and their authority is accepted and we're outsiders. I'm a woman's woman and I find it .. well it's all been a bit of an effort. I remember at times when I've been really miserable about doing the job. I would say I leave my heart and soul on the coat peg when I come into work because you can't show your real self, you can't show emotions, often you can't tell the truth.'

Of course, as Diane Reay has forcefully pointed out, intersecting class and gender identities are, equally, positioned subordinately in the legal field:

'I felt like I had to have a mask while I was there. I can't describe it I just felt like a lot of me, I had to suppress. I don't know if I consciously toned down my accent - only once did someone make a remark about me sounding like someone from Coronation Street .. I swore less .. I dressed ok .. but they still thought I was weird .. like the fact that I chose to go on holiday cycling round Laos. I just felt that I didn't fit in and it got a bit tiring .. I mean you need someone to share with .. it just wasn't somewhere I felt like I was with friends. Different planet. And the culture is so strong .. you don't need rules. I think in the office manual there

¹ 'I see it as being part of some sort of 'club'. I mean there's a commercial lawyer down the road from me and it's a totally different job yet we're still part of the same club. I think it entails responsibility in terms of the public persona, I mean there's a slight duty to use your skills in other areas, for instance when friends ask me to do bits of work and then I'm a trustee for a therapy centre in Holloway and on certain committees so there's a public service commitment. A sense of belonging; it's more a lifelong commitment.'

was a passing reference to what you had to wear ..but you didn't need written codes because you just conform or get out. I just knew I didn't want to be doing it.' (EB)

In the following section we will explore the way in which the unease of dispositions which are, as it were, out of place, can be seen, in conjunction with the concept of cultural capital, as a way in which structures may assert their 'permanence through change'.

Cultural Capital

The concept of cultural capital as used by Bourdieu tends to be associated with class rather than gender relations: it is referred to only twice in 'Masculine Domination', for example, once in a footnote where it appears to be conflated with economic independence (2001, p 107 n), and once in a reference to the comparatively privileged cultural position of leaders of the gay and lesbian movement (op. cit., p. 123). Its origins as a significant term in sociology lie in Bourdieu and Passeron's work on education as an engine of social reproduction, and tended to become synonymous for some with qualifications (producing an unfortunate elision with concept of human capital) or reproduced cultural taste. This has resulted in some bizarre research where attempts have been made to operationalise it in form of objective indicators (scoring points for the volume or type of culture present in pupil's homes) and test for its correlation with educational success. Although this kind of exercise might appear to mirror Bourdieu's own empirical research in *Distinction*, it is in fact based on a misconception: namely that cultural capital has fixed and immutable properties, regardless of who possesses it.

Hagan and Kay applied the concept in their analysis of women in the legal profession in Toronto, identifying cultural capital both with qualifications but also elements such as reputation. However, they have, in a similar fashion to the naive educational theorists, delineated capital as a system of fixed values, rather than a system of exchange, and also conflate categories with different qualities: education (fixed form of cultural capital analogous to human capital), clients (the source of economic capital) or relations with clients, and reputational capital (a form of symbolic capital).

We would argue that we need a more precise description of how cultural capital works specifically as a medium of exchange. We would begin with three principles of

using the term, which will enable it to be used to enhance appreciation of women's specific position in the legal profession as in other social fields.

1) Firstly, the definition of cultural capital must clearly be extended beyond the crude view of it as associated with qualifications or objects of cultural consumption, and include the dispositional elements of habitus, bodily hexis, and doxa which can and do in themselves constitute objects of exchange in any given field. The boundaries between cultural, symbolic and social capital are not always clear. We have argued that cultural capital can include sexuality, though Bourdieu argues that it functions in a market of symbolic goods (2001, p 99), and that it is but one example of the way in which women can provide symbolic capital through translating domestic modes of servicing into the public sphere, the extreme limit of which he delineates in a description of Japanese hostess clubs.

2) Secondly, the value of cultural capital is not fixed by its intrinsic properties, but by its situation in any given field, the 'properties' of that field, and those actors who can appropriate the right to legitimate the forms of capital. So, for example, despite obtaining good academic qualifications in Law and a training contract with a prestigious commercial firm, a woman may still not achieve the same cultural capital as a man who belongs to the same sports club as a senior partner. A complicating factor in the legal profession is that, if it is regarded as a 'field', it is not a unitary one, but is rather becoming a small universe of different fields or segments (with extreme differences in culture and reward between, say, the not for profit advice sector, and the megafirm of commercial lawyers). Therefore it needs to be recognised that different segments of that field are described by different properties, with the consequence that the process of price formation or valorizing of cultural capital will be different in each segment or sub-field.

3) The third principle is that cultural capital is also variable depending on who possesses it, or to put it another way the 'same' attributes possessed by a man and a woman do not necessarily accrue the same value. Perhaps the most telling example (not related to gender) is Bourdieu's description in *Distinction* of the auto-didact, who 'knows' the right cultural information, but can not display it in the correct way (1984), but it also applies to the forces behind petit bourgeois hyper-correction (1991, p 63). The prevalence of this form of domination over the value of women's cultural capital is seen as inscribed in women's habitus - hence his description of

'female being as being perceived' (2000, p 63). This ontological status is responsible for many of the anxieties about how to 'do the right thing' which we found amongst our respondents and which we reported at the end of the last section, clearly (if not originally) delineated here:

'Access to power of any kind places women in a "double bind": if they behave like men, they risk losing the obligatory attributes of "femininity" and call into question the natural right of men to positions of power; if they behave like women, they appear incapable and unfit for the job. These contradictory expectations simply take over from those to which they are structurally exposed as objects offered on the market in symbolic goods, simultaneously invited to use all means to please and charm and expected to repel the seductive manoeuvres that this kind of submission in advance to the verdict of the male gaze may seem to have provoked (2001, p 68).

Cultural capital is ultimately determined by its value as a medium of exchange. Beasley-Murray identifies valorization, or what he terms 'under-valorization' ('the process by which activity is not rewarded according to what it is worth', 2000, p 111) as a key element in the production of cultural capital. There are two aspects to the process of valorization of cultural capital, which we will look at here. Firstly, within a competitive market or field, the system of pricing or valorization is relative: the value attached to either your labour or your cultural capital is not meaningful unless it can be related to the value attached to those of others in the field. This relative aspect of pricing remains a property of the field even when it is rejected by individuals, in that in most legal fields there is a clearly prescribed trajectory of earnings and symbolic capital to which all actors are expected to conform, such that one's cultural capital can be read, inversely, from one's income and status:

'I never really had career aspirations which I know must sound strange since my career looks really well plotted. I am a partner .. and I suppose that was my career aspiration because once you're in a firm you see that this is the only career aspiration that exists and if you're not be badged as second rate as far as the outside world is concerned then you have to become a partner by the time you've got 10 years PQE.' (CL)

This can be seen as the product of the significant distinction, discussed above in relation to habitus, between time as repetition and time as protension. Certain roles in the legal field are seen as doomed to repetitive endeavour, with no prospect of advancement, not simply in terms of income and status, but also in terms their

intrinsic interest. The role of 'support lawyer' for example is of this nature, and is widely seen as almost exclusively the province of women, as we note below.

The process of valorization in some legal fields involves, as has been widely noted, by our respondents amongst others, the privileging of 'presence' over quality of work:

'It's about proving that you're hard working rather than necessarily being hard working. It's not enough to be effective – it's the little insignia of busyness that count .. telling everyone else that you were last person to leave.' (ES)

What some women were clearly conscious of was that this meant that men's time or time worked in the male mode, was being valued at a higher rate than women's:

'So I think when you think of the long hours you need to take this sort of thing into account. I don't think the hours are necessary anyway ...sitting at your desk till whenever. If you were really efficient you could easily meet your targets in your core time. I know because on 4 days a week I easily meet my targets and in fact often exceed those of some full-timers. Because I really concentrate, really work hard in the shorter time that I'm here. So I think quite a lot of it is just being seen to be around - the "I've been here all weekend" syndrome. I just think that's sad.'

Within different fields it may be possible for feminine qualities to be valorized at the expense of men. Specifically, this could be the case in family law, in a fashion that might appear to bear out Bourdieu's view that women achieve in professions which are an extension to their perceived 'natural' role. One respondent worked in a 'niche' firm specialising in family law, where 4 of the 5 partners were women, and only five of the twenty-two fee earners were man. She commented that:

"The man here had one client - a woman - who, he told me, accused him of being hard to talk to ..he wasn't upset but acknowledged that it might be true. I imagine he could be because I find him hard to talk to, especially on some days. I think there's a general perception and I've heard people say that women do family law and then they're surprised if men do it. In fact I remember being surprised when I met a man who specifically wanted to do family law. Though I think it's very individual and some men are fantastic at my line of work. On the other hand I can see why women are perceived as having the right skills for it because they are the skills that women tend to use in their personal relationships, which I don't think women do.'

However, specific modes of working (part-time or flexible working), particularly after a career break could result in under-valorization, which could be quantified in salary terms:

'You are looked at differently definitely, working like this. For instance a man with 13 years experience like me would I think - if he was not a partner - be getting at least £90k. I'm not getting the equivalent of that, but there again, for me, it's not so bad as the two other job sharers who are getting £10k each, less than me.' (BR)

This penalty for stepping off the trajectory is the concrete representation of the way in which the attachment to the domestic is perceived as consigning women to repetitive cyclical time and denying them the right to protension. The extreme limit case is the phenomenon of the 'support lawyer', so far in the back room that they have almost ceased to be a lawyer:

'They do have support lawyers now; that's a growing thing. They're overwhelmingly women. It's a classic choice for those who want to work 9 - 5. But then it means there's no career path. I think any men who did it would be regarded as really sad. Because I think they're regarded in the same way a lawyer regards his secretary - indispensable but yet taken for granted ..it's a housekeeping job and I don't think it's very well paid by their standards.'

We have argued that the properties of the field determine how or whether people are able to accumulate and exchange cultural capital at its true value. We have attempted a preliminary visual representation of this process on the following page (Figure 1). The legal professional field in its broadest sense may be seen as having been shaped by its history, in England and Wales, of male domination: on one side we see the embodied self as male and as at ease physically really only with other men – the unease consequent on women's arrival producing in men discomfort or a tendency to sexualise women.² On the second side, or boundary, we see the profession as founded in male social networks, grounded in class hierarchies, and frequently organised around private events in the public sphere. Access to these networks was originally achieved through apprenticeship only, and then subsequently by qualifications, which acted as a proxy for the guarantee of point of origin (the 'right' school, college or chambers). The permanent sense of belonging

² I mean there were, for instance, definitely male solicitors who found it difficult to talk to me as a solicitor. A sense of embarrassment. Of ten I had to share a car with other solicitors to go to court - because we serviced a range of courts many of them some distance away - and the conversation would be the sort that they'd have with their secretaries I'd try and be a proper person - say something like "why do you think the jury came to that decision" and it was clear that this was a transaction not familiar to them and they were extremely reluctant to engage with me on these terms.

was provided by the 'right' disposition ('gentlemanliness' in the classical era of the profession).

FIGURE 1:THE LEGAL PROFESSIONAL FIELD

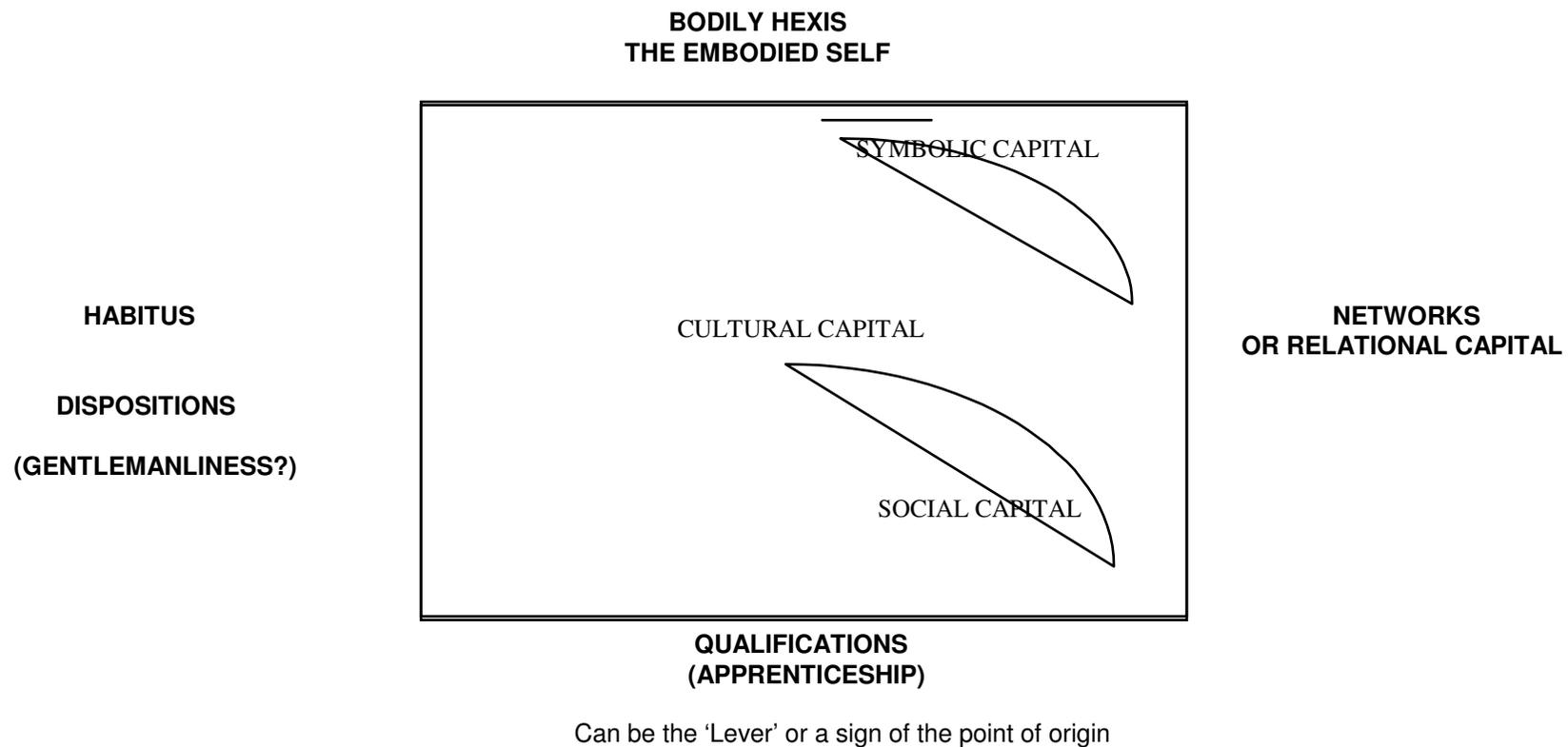


FIGURE 2: THE COMMERCIAL LEGAL PROFESSIONAL FIELD

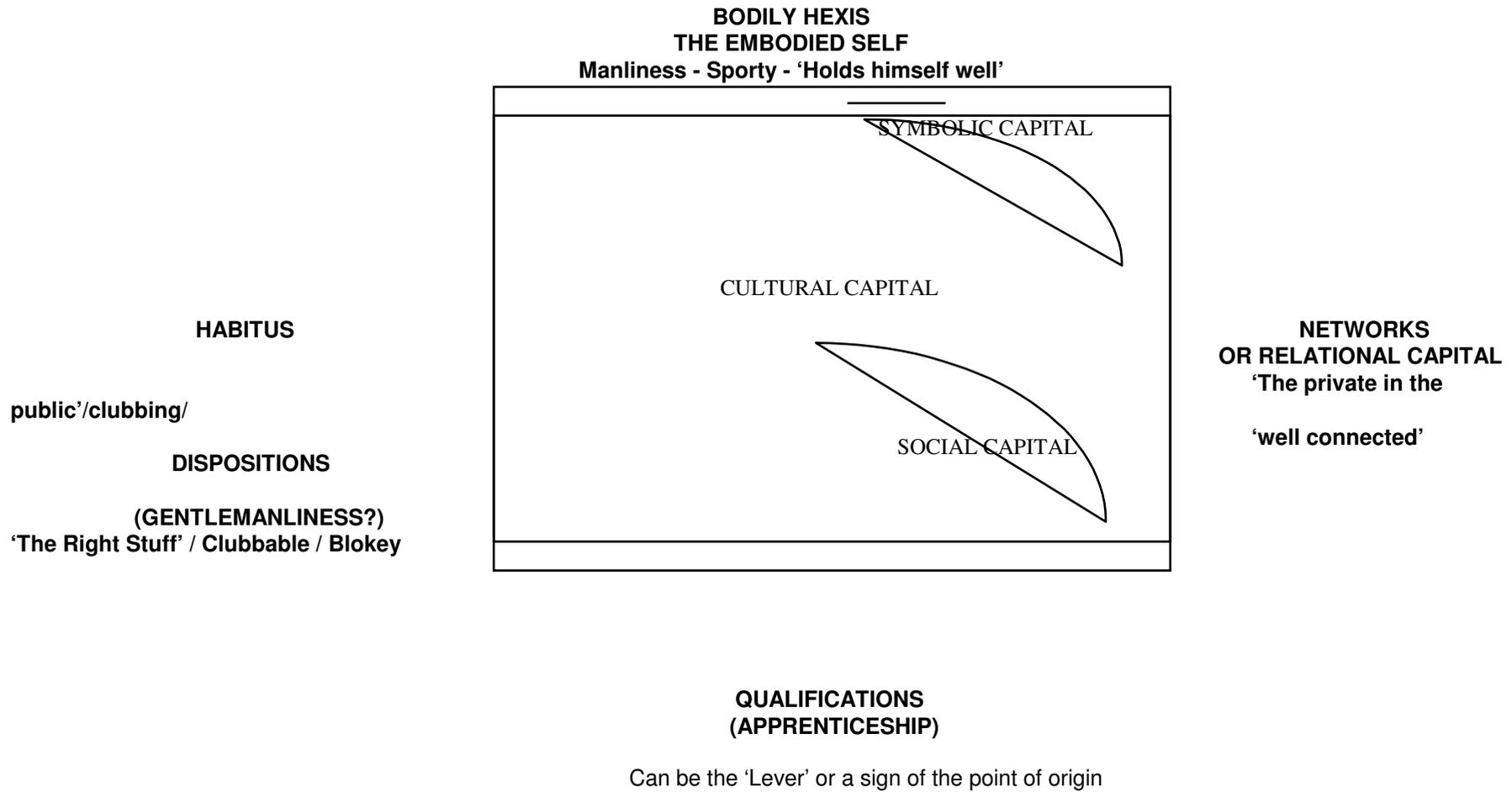


Figure 2 fleshes out this representation in the form it might be seen as taking in the modern commercial field in the 'magic circle' firms in England and Wales. Some of our respondents echoed our own previous position that the presence of women may have exaggerated the requisite form of male embodiment as the badge of belonging. The fact that so many of the networking activities now regarded as essential for a firm's 'development' are organised around activities that are seen as male increases the significance of this as a form of cultural capital, and similarly increases women lawyers' sense of unease, particularly at 'rainmaking' events, as is illustrated by the following three accounts.

'It's very difficult though, especially in property where it's so male dominated. Like you go to these functions and there can be a room full of 40 men and you're one of a handful of - say 4 or 5 women. And you've got to break into one of these small groups that they gather themselves into, when they're all talking about sport - and say "can I introduce myself to you?" And also it's the fact that they all tend to know each other very well..and you know what men are like, they think women are boring. I went up to one guy like that recently and he was so rude. Property is the world of agents and it's very male and so, of course is insolvency. There is a type - they do tend to be very laddish, sporty, sexist. But then you can sometimes have conversations with them about their wives, their kids. That's what a lot of them will talk to you about, so it's quite different from the way they relate to each other.'

'There's a male angle to the Boards of Directors .. the client base is so hugely male. I'm used to it now.. to client dinners where there are 12 men and me. Actually I just find it very tedious; I don't find it unnerving any more. There are those who make sexist remarks, but it's generally very innocent, it's just that they don't have a clue, their wives don't work and so on.'

'It was unnerving when I started out though .. walking into a cocktail party on the seminar circuit with 200 men. It was very hard to break into the small groups. Then those accountants' dos. It's much easier now I have the partner badge; that opens a lot of doors, it gives you the status. But rainmaking is very difficult for a woman I think and I didn't make partner on my rainmaking skills because I'm not very good at it; I'm not a salesperson. My partnership came off the back of being a minder - that is a client comes through the door and I develop a relationship with them. The other corporate female partner was a very good technician.'

So whereas women may achieve recognition for their technical skill, and may achieve a value for this cultural capital commensurate with men at the same stage, the fundamental properties of the dominant field in law are inimical to them. In line with Bourdieu's argument about the relations of fields, those in which women do

achieve valorization of their cultural capital are precisely those furthest from the concentrations of economic or political power. Whether in a globalized professional world this is a function primarily of capitalism or patriarchy we won't debate today.

Conclusion

The women interviewed in 2001 expressed the qualified view that change had taken place, that it was 'more of a level playing field', that women and men did 'have an equal chance of making partnership now if the women really want to make it and therefore do ..work in identical ways to men'. Equally, some women were clearly making choices, which were genuinely rejecting the values implicit in the long hours culture and the intensively hierarchical and competitive structuring of professional relationships within firms. This would involve renouncing income for 'quality of life' by accepting a place outside the 'normal trajectory' or working for the intrinsic value, rather than the economic value of what they were doing. It would clearly be wrong to ascribe these choices, grounded in values we endorse, to determined structures and deny the agency behind them.

The potential difficulties that are raised however, relate to the situation of these choices within a field of power relations which may attempt to negate them. Firstly, it is difficult for any of these sectors to escape the dominant influence of commercial sector, characterised by the logic of 'speed up', which is rippling out, not simply to other departments within private firms, but also, with the sponsorship of the State, to the not-for-profit and publicly funded sectors. Secondly, as women voluntarily move away from the Epicentre, do they renounce the power to influence the structure and culture of legal practice, to which, ultimately they are likely to find themselves subjected?

So really you have to play the game or leave. It's not so bad in my department though as in corporate finance. There they don't start till about 10 am but then they work all night; they arrange meetings for 5 pm so they can send faxes at night to each other, it's like "let's do this big macho deal and work over the weekends on it" and you want to say, why not just start it on Monday and work normally? It's a game, a lot of it. (Male Associate, corporate property)

Epilogue(s)

when I had to say I can't come to a meeting at 6.30 because I have a live in nanny who only works till 7pm and this is her evening off anyway and it will take me time to get home .. they weren't annoyed exactly it was more like...I just felt like an electric tool, a Hoover or something which had worked really well but was now starting to let them down. (GC)

I had a conversation with a woman who'd been a partner at * at this do and I was saying "all these long hours .. it's all nonsense" and she laughed and said "you've got to understand that they want to do those hours .. it's a pact with the devil .. it means you make big money which makes you a big person". One spin off though is all the bad behaviour..at least 2 of my husband's partners are divorced. But it's all part of the same package - showing that you're man enough to do the job and within that set up the family, private life, it's invisible, irrelevant.

'The thing is to make it your work has to be good but there's also all the rest of the things which take you to partnership - for instance the self publicity you have to engage in - which involves being very loud within the firm about what you've done - telling everyone - your superiors and colleagues about what you do, the fact that your clients call you first before the partner. It's not enough that these things happen, you've got to tell people about it. How do you go about that, well, you see how your male colleagues do it and you copy them. So, for instance, if someone matters to you and supports you by giving you good work, which is how you get on, then as soon as you get a complimentary message about your work you'd copy it to that person / your boss, saying isn't it good that x things such a lot of our work (and of course it's clear it's your work in fact). I got a lot of publicity recently regarding a really big case I was involved in and I said to the partner that I wanted my name and that of my trainee mentioned.'

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