

RETHINKING MEN AND MASCULINITIES
IN THE CONTEMPORARY
LEGAL PROFESSION:
THE EXAMPLE OF FATHERHOOD,
TRANSNATIONAL BUSINESS
MASCULINITIES, AND WORK-LIFE
BALANCE IN LARGE LAW FIRMS

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I. INTRODUCTION

In recent years, Legal Studies has seen the emergence of a “new wave” of scholarship seeking to explore and conceptualize more precisely what it means to speak of “men” as a gender category in relation to law. This work has sought, variously, to unpack the “Man” of law, to ask law’s “Man Question”¹ and to challenge what has been termed the “hegemony of men” within and across law’s diverse institutions and practices.² Law, as an academic subject, has historically had a rather different relationship to the study of men and masculinities than many other disciplines, not least perhaps sociology and criminology.³ An exploration of the interconnections between law and masculinities itself remains marginal to mainstream legal scholarship. Even at international conferences and symposia concerned with law, gender, and sexuality, it is rare

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¹ See, e.g., Nancy E. Dowd, Nancy Levit & Ann C. McGinley, *Feminist Legal Theory Meets Masculinities Theory*, in *MASCULINITIES AND THE LAW: A MULTIDIMENSIONAL APPROACH* 25, 38 (Frank Rudy Cooper & Ann C. McGinley eds., 2012); see also NANCY E. DOWD, *THE MAN QUESTION: MALE SUBORDINATION AND PRIVILEGE* 1 (2010); *MASCULINITIES AND FEMINISMS: CRITICAL PERSPECTIVES* (Martha Fineman & M.O. Thomson eds., forthcoming 2013); RICHARD COLLIER, *MEN, LAW AND GENDER: ESSAYS ON THE “MAN” OF LAW* (2010) [hereinafter COLLIER, *MEN, LAW AND GENDER*].

² Jeff Hearn, *From Hegemonic Masculinity to the Hegemony of Men*, 5 *FEMINIST THEORY* 49, 57 (2004). See also RICHARD COLLIER, *MASCULINITIES, CRIME AND CRIMINOLOGY: MEN, HETEROSEXUALITY AND THE CRIMINAL(ISED) OTHER* 1 (1998) [hereinafter COLLIER, *MASCULINITIES, CRIME AND CRIMINOLOGY*].

³ See COLLIER, *Introduction to MEN, LAW AND GENDER*, *supra* note 1, at 1, 2. See also Richard Collier, *Masculinities, Law, and Personal Life: Towards a New Framework for Understanding Men, Law, and Gender*, 33 *HARV. J.L. & GENDER* 431, 434 (2010). Contrast is marked with the field of criminology where there now exists extensive literature exploring the interconnections between masculinities and crime. See, e.g., JAMES W. MESSERSCHMIDT, *MASCULINITIES AND CRIME: CRITIQUE AND RECONCEPTUALIZATION OF THEORY* 1 (1993); COLLIER, *MASCULINITIES, CRIME AND CRIMINOLOGY*, *supra* note 2, at 6–7.

still to find sessions specifically focused on masculinities. Nonetheless, there are intriguing signs that, across jurisdictions, things are changing as law becomes increasingly concerned—building on an established body of feminist jurisprudence—with exploring the “man” or, more accurately, the “men” of legal discourse, the gendered (as masculine) nature of law’s institutions, practices, and reasoning.⁴

In other work, I have sought to track the wider background, political, intellectual, and institutional influences that have shaped this body of research on masculinities in law.⁵ The new masculinities scholarship is itself shaped by diverse influences. In particular, it draws on different theoretical debates within contemporary feminism, feminist legal scholarship, and wider sociological work on gender, for example, around anti-essentialism, intersectionality, sex/gender critiques, and queer theory.⁶ It also bears the imprint of contrasting welfare regimes,⁷ and it is particularly important to note how the distinctive nature of national legal-political systems shape engagements with masculinity—how, for example, issues of class, race and ethnicity, and the framing of questions

⁴ This development is reflected not just in the present Symposium. See, e.g., Martha A. Fineman & Michael O. Thomson, Address at the Emory University School of Law Symposium: Feminism, Law, and Masculinity (Sept. 11–12, 2009), available at http://www.law.emory.edu/fileadmin/flt/call_for_papers/law_masculinity_callpapers_spr09.pdf; see also Richard Collier, Address at the Harvard Journal of Law & Gender Symposium: Feminist Perspectives in Masculinities (Mar. 26, 2010), in 33 HARV. J.L. & GENDER 431, 444–45 (2010); Nancy E. Dowd, *Masculinities and Feminist Legal Theory: An Antiessentialist Project* 50–51 (Univ. Fla. Legal Studies, Research Paper No. 2008-05, 2008), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1238070; see also Frank Rudy Cooper, *Our First Unisex President?: Black Masculinity and Obama’s Feminine Side*, 86 DENV. U. L. REV. 633, 638, 640–41 (2009); Frank Rudy Cooper, *Against Bipolar Black Masculinity: Intersectionality, Assimilation, Identity Performance, and Hierarchy*, 39 U.C. DAVIS L. REV. 853, 904 (2006); Ann C. McGinley, *Masculinities at Work*, 83 OR. L. REV. 359, 364 (2004); Clifford J. Rosky, *Like Father, Like Son: Homosexuality, Parenthood, and the Gender of Homophobia*, 20 YALE J.L. & FEMINISM 257, 349 (2009).

⁵ See, e.g., COLLIER, *Introduction to MEN, LAW AND GENDER*, *supra* note 3, at 2; COLLIER, *MASCULINITIES, CRIME AND CRIMINOLOGY*, *supra* note 2, at 2; RICHARD COLLIER, *MASCULINITY, LAW AND THE FAMILY* 8 (1995); Richard Collier, *Fathers, Birth and Law*, in *BIRTH RITES AND RIGHTS* 151, 151 (Fatemeh Ebtehaj et al. eds., 2011); Richard Collier, *The Responsible Father in New Labour’s Legal and Social Policy*, in *REGULATING FAMILY RESPONSIBILITIES* 47, 49 (Jo Bridgeman et al. eds., 2011); Richard S. Collier, *The Fathers’ Rights Movement, Law Reform, and the New Politics of Fatherhood: Some Reflections on the UK Experience*, 20 U. FLA. J.L. & PUB. POL’Y 65, 106–07 (2009).

⁶ For a useful overview of this background, see FIDELMA ASHE, *THE NEW POLITICS OF MASCULINITY: MEN, POWER AND RESISTANCE* (2007). In the context of law, note the discussion in DOWD, *supra* note 1, at 1, 15; see also COLLIER, *Men, Masculinities and Law: The “Man Question” in Legal Studies*, in *MEN, LAW AND GENDER*, *supra* note 1, at 7, 16 [hereinafter COLLIER, *Men, Masculinities and Law*]; *FEMINIST LEGAL THEORY: AN ANTI-ESSENTIALIST READER* (Nancy E. Dowd & Michelle S. Jacobs eds., 2003).

⁷ JEFF HEARN & KEITH PRINGLE, *EUROPEAN PERSPECTIVES ON MEN AND MASCULINITIES: NATIONAL AND TRANSNATIONAL APPROACHES* 9–10 (2006). For context, marked differences can be observed between engagements with men and masculinities in the UK and Nordic literature, see *id.* at 27; Jeff Hearn & Keith Pringle, *Men, Masculinities and Children: Some European Perspectives*, 26 CRITICAL SOC. POL’Y 365, 366 (2006). See also Maria Eriksson & Keith Pringle, *Gender Equality, Child Welfare and Fathers’ Rights in Sweden*, in *FATHERS’ RIGHTS ACTIVISM AND LAW REFORM IN COMPARATIVE PERSPECTIVE* 101, 101–102, 110 (Richard Collier & Sally Sheldon eds., 2006).

about masculinity and gender equality at a public policy level, are grounded within specific social, economic, political, and legal contexts.⁸ Meanwhile, drawing on wider themes within contemporary men and masculinities literature,⁹ recent work on men in law is marked by a diversity of approaches to, and/or critiques of, the seemingly ubiquitous, much contested, concept of hegemonic masculinity, here reflecting different theoretical alignments, in particular with postmodern critiques of masculinity.¹⁰

In this short article, I wish to use one specific example—a research project concerned with men and gender in the legal profession—as a “case study” to explore some selected themes and issues surrounding this relationship between masculinities and law. More specifically, drawing on two UK-based empirical

⁸ As an example of how questions of masculinity can be pitched as engagements with policy debates around men, see SANDY RUXTON, *THE COALITION ON MEN AND BOYS, MAN MADE: MEN, MASCULINITIES AND EQUALITY IN PUBLIC POLICY* 112–14 (2009). See also Jeff Hearn, *Reflecting on Men and Social Policy: Contemporary Critical Debates and Implications for Social Policy*, 30 *CRITICAL SOC. POL’Y* 165, 168, 174 (2010).

⁹ This, of course, is a voluminous body of interdisciplinary theoretical and empirical research that has sought, in different ways and from a variety of perspectives, to explore the gender of men in an explicitly pro-feminist manner. The scale of this contemporary literature is demonstrated by the sheer number of books, articles, and research reports on the topic, as well as the existence of dedicated encyclopedias and extensive bibliographic databases. For an introduction and overview of key themes in this literature see, for example, R. W. CONNELL, *MASCULINITIES* (2d ed. 2005); see also KENNETH CLATTERBAUGH, *CONTEMPORARY PERSPECTIVES ON MASCULINITY: MEN, WOMEN, AND POLITICS IN MODERN SOCIETY* (1990); R. W. CONNELL, *THE MEN AND THE BOYS* (2000) [hereinafter CONNELL, *THE MEN AND THE BOYS*]; *HANDBOOK OF STUDIES ON MEN & MASCULINITIES* (Michael S. Kimmel et al. eds., 2005); *INTERNATIONAL ENCYCLOPEDIA OF MEN AND MASCULINITIES* (Michael Flood et al. eds., 2007); JACK S. KAHN, *AN INTRODUCTION TO MASCULINITIES* (2009); MICHAEL S. KIMMEL, *THE GENDERED SOCIETY* (2000); MICHAEL S. KIMMEL & MICHAEL A. MESSNER, *MEN’S LIVES* (8th ed. 2010); *THE MASCULINITIES READER* (Stephen M. Whitehead & Frank J. Barrett eds., 2001); *THE MASCULINITY STUDIES READER* (Rachel Adams & David Savran eds., 2002); LYNNE SEGAL, *SLOW MOTION: CHANGING MASCULINITIES, CHANGING MEN* (1990); STEPHEN M. WHITEHEAD, *Masculinity-Illusion or Reality?*, in *MEN AND MASCULINITIES* 8, 8–41 (2002); MICHAEL FLOOD, *THE MEN’S BIBLIOGRAPHY: A COMPREHENSIVE BIBLIOGRAPHY OF WRITING ON MEN, MASCULINITIES, GENDER, AND SEXUALITIES*, <http://mensbiblio.xyonline.net> (last visited Mar. 21, 2013).

¹⁰ Discussion of hegemonic masculinity itself now constitutes a distinct subfield of masculinities scholarship. See, e.g., ASHE, *supra* note 6, at 144–47; RICHARD HOWSON, *CHALLENGING HEGEMONIC MASCULINITY* 5 (2006); Christine Beasley, *Rethinking Hegemonic Masculinity in a Globalizing World*, 11 *MEN & MASCULINITIES* 86, 95 (2008); R. W. Connell & James W. Messerschmidt, *Hegemonic Masculinity: Rethinking the Concept*, 19 *GENDER & SOC’Y* 829, 829–30 (2005); Demetrakis Z. Demetriou, *Connell’s Concept of Hegemonic Masculinity: A Critique*, 30 *THEORY & SOC’Y* 337, 337–38 (2001); Mike Donaldson, *What is Hegemonic Masculinity?*, 22 *THEORY & SOC’Y* 643, 643 (1993); Juanita Elias & Christine Beasley, *Hegemonic Masculinity and Globalization: “Transnational Business Masculinities” and Beyond*, 6 *GLOBALIZATIONS* 281, 281–83 (2009); Hearn, *supra* note 2, at 57; Tony Jefferson, *Subordinating Hegemonic Masculinity*, 6 *THEORETICAL CRIMINOLOGY* 63, 65 (2002); Stephen Whitehead, *Hegemonic Masculinity Revisited*, 6 *GENDER, WORK & ORG.* 58, 58 (1999). For a UK critique of the engagement with social class in this debate see Steve Hall, *Daubing the Drudges of Fury: Men, Violence and the Piety of the “Hegemonic Masculinity” Thesis*, 6 *THEORETICAL CRIMINOLOGY* 35, 35–61 (2002). See also COLLIER, *Men, Masculinities and Law*, *supra* note 6, at 7; COLLIER, *MASCULINITIES, CRIME AND CRIMINOLOGY*, *supra* note 2, at 18–23.

studies of male lawyers and work-life balance in large law firms,¹¹ I explore how a debate has evolved around the relationship between masculinity, fatherhood, and men's work and family practices within an area of legal employment traditionally marked by an organizational acceptance of a long-hours culture and the "bottom line" need to meet client demands—that is, the large corporate commercial "City" law firm.¹²

Refocusing the work-life debate in law on questions about men, masculinities, fathers, and fatherhood is seen at the outset as integral to developing a deeper understanding of the terrain of contemporary debates around gender equality and diversity within the legal profession—and, especially, these large law firms.¹³ The reason for this can be simply put. The "double-bind" of combining work and home commitments,¹⁴ and perceived inflexibility of large law firms especially, has long been a central feature in studies of women lawyers internationally.¹⁵ A now extensive body of research on women in the legal

¹¹ These two studies were funded respectively by the British Academy (BA, SG study Ref. No. 31920) and the Socio-Legal Studies Association (SLSA Study, 2011). The studies involved two tranches of interviews with male lawyers and Human Resource/Personnel Managers located primarily within the City of London (Researchers interviewed a total of forty-five people. Initially, researchers conducted interviews of twenty-five people, then twenty more people). See Richard Collier, *Fathers, Lawyers and the Work Life Balance: Managing the Downturn* (2011) (unpublished research study) (on file with author) [hereinafter SLSA Study, 2011]. Details of methodology, research questions and conceptual frameworks of the project are beyond the scope of this short paper. See COLLIER, "Please Send Me Evenings and Weekends": *Male Lawyers, Gender and the Negotiation of Work and Family Commitments*, Men, Law and Gender, *supra* note 1, at 152, 152–94 [hereinafter COLLIER, "Please Send Me Evenings and Weekends"], for more on the British Academy study. For reasons of space, interview data and quotations from interviewees have been largely excised from this account.

¹² For the purposes of this study, large law firm is taken to refer to those firms within and just outside the top twenty in terms of partner size, many of which, but not all, have main office bases located in the City of London, firms engaging in corporate commercial legal work. See *infra* note 39 on the idea of the global large law firm.

¹³ This is a debate that is taking place across countries although the primary focus of what follows in this Article are developments within England and Wales. See, e.g., GOWER APPLIED BUS. RESEARCH, DIVERSITY IN THE WORKPLACE: MULTI-DISCIPLINARY AND INTERNATIONAL PERSPECTIVES 3–5 (Stefan Gröschl ed., 2011). While there is a now vast body of work concerned with diverse aspects of lawyers' lives, including issues around work-life balance as they impact men, it is rare for this work to engage specifically with contemporary scholarship on men and masculinities. Further, recent research studies, such as the UK-focused Working Families' report do not look at these issues from a perspective framed by concerns about law and gender as set out in emerging law and masculinities work. Compare WORKING FAMILIES & ADDLESHAW GODDARD, LEGAL LIVES: RETAINING TALENT THROUGH A BALANCED CULTURE (2008) [hereinafter LEGAL LIVES], with Dowd, *supra* note 1, and COLLIER, "Please Send Me Evenings and Weekends", *supra* note 11, at 152.

¹⁴ JOAN WILLIAMS, UNBENDING GENDER: WHY FAMILY AND WORK CONFLICT AND WHAT TO DO ABOUT IT 205–07, 252 (2000); see also ARLIE RUSSELL HOCHSCHILD, THE SECOND SHIFT xxvi, 3, 33 (2003); ARLIE RUSSELL HOCHSCHILD, THE TIME BIND: WHEN WORK BECOMES HOME AND HOME BECOMES WORK xx, 7 (1997).

¹⁵ See, e.g., Ulrike Schultz, *Introduction: Women in the World's Legal Professions: Overview and Synthesis*, in WOMEN IN THE WORLD'S LEGAL PROFESSIONS xxv, xliiv (Ulrike Schultz & Gisela Shaw eds., 2003); see also CYNTHIA FUCHS EPSTEIN, WOMEN IN LAW 329, 349 (2d ed. 1993); JOHN HAGAN & FIONA KAY, GENDER IN PRACTICE: A STUDY OF LAWYERS' LIVES 66 (1995); MARY JANE MOSSMAN, THE FIRST WOMEN LAWYERS: A COMPARATIVE STUDY OF GENDER, LAW AND THE LEGAL PROFESSIONS 281–83 (2006); HILARY SOMMERLAD

profession has highlighted the gendered (as masculine) nature of cultures and practices in large law firms that impact deleteriously on women in areas such as promotion, recruitment, retention, and pay differentials. Far less is known, however, about fathers in law firms from a perspective informed, crucially, by the critical study of men and masculinities. While the contemporary research base on fatherhood, gender, and organization is itself now vast, interdisciplinary work has rarely been connected to gender-sensitive studies of men within the legal profession (discussed in more detail below).¹⁶

Discussion of the wider research project on which this Article draws, including the methodology, aims, objectives, and key findings, is beyond the scope of this Article, where my focus is primarily on wider conceptual questions about the relationship between masculinities and law.¹⁷ Broader themes around gender and fatherhood in the legal profession will be explored in other work, where I argue, in essence, that contemporary debates about work-life balance within the legal profession in England and Wales, as elsewhere, are shaped by drivers of change marked by some significant tensions in how they conceptualize fatherhood, fathers, and masculinity—changes that are resulting, to degrees, in a shift in ideas about what it means in terms of gender and professional identity formation to achieve professional “success” in law (to be a

& PETER SANDERSON, GENDER, CHOICE AND COMMITMENT: WOMEN SOLICITORS IN ENGLAND AND WALES AND THE STRUGGLE FOR EQUAL STATUS 149, 158 (1998); MARGARET THORNTON, DISSONANCE AND DISTRUST: WOMEN IN THE LEGAL PROFESSION 231–35 (1996); Fiona Kay & Elizabeth Gorman, *Women in the Legal Profession*, 4 ANN. REV. L. & SOC. SCI. 299, 300, 318 (2008); Fiona M. Kay & John Hagan, *Raising the Bar: The Gender Stratification of Law-Firm Capital*, 63 AM. SOC. REV. 728, 729 (1998); Harriet Silius, *Making Sense of Gender in the Study of Legal Professions*, 10 INT'L J. LEGAL PROF. 135, 138 (2003). In the context of UK debates around work-life balance, considered further below, note in particular, the recent research study LEGAL LIVES, *supra* note 13.

¹⁶ See discussion *infra* Parts II.C & III. For a rare exception to this see Keith Cunningham, Note, *Father Time: Flexible Work Arrangements and the Law Firm's Failure of the Family*, 53 STAN. L. REV. 967, 967, 972–73 (2001), although this study does not explicitly engage with the study of masculinities. See also Kenneth G. Dau-Schmidt et al., *Men and Women of the Bar: The Impact of Gender on Legal Careers*, 16 MICH. J. GENDER & L. 49, 50–51 (2009); Michael Selmi, *The Work-Family Conflict: An Essay on Employers, Men and Responsibility*, 4 U. ST. THOMAS L.J. 573, 576–77 (2007); see also Iris Aaltio-Marjosola & Jyri Lehtinen, *Male Managers as Fathers? Contrasting Management, Fatherhood, and Masculinity*, 51 HUM. REL. 121, 122–23 (1998) (in the context of business masculinities).

¹⁷ See *supra* notes 11–12. All the solicitors involved in the second tranche of interviews were co-residential fathers, with children of varying ages and this part of the larger study was also framed by a concern to also address perceptions of the global financial crisis, and how this has reshaped debates about work-life balance in law firms in the UK. See SLSA Study, 2011, *supra* note 11. Although pre-dating the recession, certain studies have addressed collective mobility within the legal profession. See, e.g., Andrew M. Francis, *Out of Touch and Out of Time: Lawyers, Their Leaders and Collective Mobility Within the Legal Profession*, 24 LEGAL STUD. 322, 323 (2004). Whilst this project focuses on the experiences of men, I do not wish to efface the relational nature of gender in this context. See Patricia Yancey Martin, “Mobilizing Masculinities”: Women’s Experiences of Men at Work, 8 ORG. 587, 588–89 (2001). Nor, importantly, issues of sexuality and the diversity of fathering experiences, given how the work-life agenda is not confined to questions about parenting. Rather, for reasons set out above, a critical examination of fathers in law is seen as an important element in advancing debate in this area.

“successful” lawyer).¹⁸ The specific theme I wish to pursue further below concerns how ideas about men, masculinities, and law, as they have developed within the study of gender and the legal profession to date, themselves require closer exploration. I argue an amalgam of social changes have challenged many traditional conceptualizations of men and gender within legal arenas and that approaching the contemporary large law firm as a gendered, transnational organization entails seeing law as a field of practice marked, in fact, by complex and heterogeneous ideas about men and masculinity.

The Article is divided into three parts. In the first section, I elaborate more precisely on why law’s failure to engage with the critical study of men and masculinity in relation to the legal profession is increasingly out of step with wider academic, political, and public policy developments around the interface of work and “family” life—developments that I suggest bear directly upon law firms. In Section Two, drawing on selected emerging findings from the two research studies on male lawyers referred to above, I explore the strengths and limits of masculinity in seeking to understand the changing relationship between fatherhood and work-life balance in large law firms. I consider, in particular, the analytic potential of the idea of transnational business masculinities in seeking to further advance the study of men, gender, and law in this area. In Section Three, I conclude by drawing together the themes of the Article in a discussion of possibilities for future research on men in large law firms.

II. REFRAMING A RESEARCH AGENDA: MEN, MASCULINITIES & FATHERHOOD WITHIN A FRAGMENTED (GLOBAL) LEGAL PROFESSION

This lack of gender research on men *as men* in law firms is increasingly out of step with four interconnected developments, each of which raises questions about contemporary debates around gender and equality within the legal profession.

A. *Women, Gender, and the Legal Profession*

First, as noted above, a rich international scholarship on women lawyers and women in the legal profession has identified, in the “double-bind” facing women in law firms, a model of working life in law deeply infused with social relations of gender.¹⁹ The “innate characteristics” of the sexes and assumptions

¹⁸ Several scholars have written on the reflexive relationship between professional identity formation at the individual and organizational levels. *See, e.g.*, Hilary Sommerlad, *Researching and Theorizing the Processes of Professional Identity Formation*, 34 J.L. & SOC’Y 190, 190 (2007) [hereinafter Sommerlad, *Professional Identity Formation*]; *see also* Hilary Sommerlad, “*Becoming*” a Lawyer: Gender and the Processes of Professional Identity Formation, in *CALLING FOR CHANGE: WOMEN, LAW, AND THE LEGAL PROFESSION* 159, 165–66 (Elizabeth Sheehy & Sheila McIntyre eds., 2006); *see also* James R. Faulconbridge et al., *Institutional Legacies in TNCs and their Management Through Training Academies: The Case of Transnational Law Firms in Italy*, 12 GLOBAL NETWORKS 48, 56–58 (2012), <http://onlinelibrary.wiley.com/doi/10.1111/j.1471-0374.2011.00335.x/abstract>.

¹⁹ *See supra* note 15. *See also* 2 LIZ DUFF & LISA WEBLEY, *THE LAW SOC’Y, EQUALITY AND DIVERSITY: WOMEN SOLICITORS, RESEARCH STUDY* 48, at 7 (2004); CLARE MCGLYNN & HELENA KENNEDY, *THE WOMAN LAWYER: MAKING THE DIFFERENCE* 93–118 (1998); 1 JO

about women's primary care giving practices have been seen as merging with "the incontrovertible needs of corporations and of small children" in a complex matrix of gendered beliefs, practices and structural arrangements.²⁰ Women's entry into the legal labor market across countries, however, has redefined the boundaries between paid and unpaid work in ways that have questioned men's practices and rendered traditional ideas of work-life balance in law firms increasingly problematic.²¹ This has, in some accounts, resulted in a potential crisis of care²² within the legal profession, challenging both traditional (gendered) notions of professional identity (the "ideal" legal professional)²³ and a separate sphere ideology that would seek to prioritize the market over all other aspects of an individual's personal life.²⁴ Law firms must adapt, it is argued, to sociological, demographic and cultural changes, not least in relation to the shifting aspirations and expectations of a new generation of lawyers and the rising number of dual-earner households in the legal profession.²⁵

SIEMS, *THE LAW SOC'Y, EQUALITY AND DIVERSITY: WOMEN SOLICITORS*, RESEARCH STUDY 48, at 11 (2004); HILARY SOMMERLAD ET AL., *LEGAL SERVS. BD., DIVERSITY IN THE LEGAL PROFESSION IN ENGLAND AND WALES: A QUALITATIVE STUDY OF BARRIERS AND INDIVIDUAL CHOICES* 19 (2010), available at http://www.legalservicesboard.org.uk/what_we_do/research/publications/pdf/l_sb_diversity_in_the_legal_profession_final_rev.pdf; CLARE MS MCGLYNN, *Strategies for Reforming the English Solicitors' Profession: An Analysis of the Business Case for Sex Equality*, in *WOMEN IN THE WORLD'S LEGAL PROFESSIONS* 159, 160 (Ulrike Schultz & Gisela Shaw eds., 2003); DANIEL MUZIO & JENNIFER TOMLINSON, *Editorial: Researching Gender, Inclusion and Diversity in Contemporary Professions and Professional Organizations*, 19 *GENDER, WORK & ORG.* 455, 455-57 (2012); HILARY SOMMERLAD, *The Obscure Object of Desire: Sex Equality and the Legal Profession*, in *RETHINKING EQUALITY PROJECTS IN LAW* 171, 171-94 (Rosemary Hunter ed., 2008); HILARY SOMMERLAD, *Women Solicitors in a Fractured Profession: Intersections of Gender and Professionalism in England and Wales*, 9 *INT'L J. LEGAL PROF.* 213, 213 (2002) [hereinafter Sommerlad, *Women Solicitors in a Fractured Profession*].

²⁰ See Kathryn Abrams, *Cross-Dressing in the Master's Clothes*, 109 *YALE L.J.* 745, 750 (2000) (reviewing JOAN WILLIAMS, *UNBENDING GENDER: WHY FAMILY AND WORK CONFLICT AND WHAT TO DO ABOUT IT* (2000)); see also Rosemary Crompton & Clare Lyonette, *Who Does the Housework? The Division of Labour Within the Home*, in *BRITISH SOCIAL ATTITUDES: THE 24TH REPORT* 53, 53-54 (Alison Park et al. eds., 2008); Jane Lewis & Ceridwen Roberts, *Project Nine: Tackling Inequalities in Work and Care: Policy Initiatives and Actors at the EU and UK Levels*, *GE NET* (Feb. 2, 2007), <http://www.genet.ac.uk/projects/project9.htm>.

²¹ See *LEGAL LIVES*, *supra* note 13; see also Jolynn Shoemaker et al., *A Revolutionary Change: Making the Workplace More Flexible*, 2 *SOLUTIONS J.* (Feb. 27, 2011), <http://www.thesolutionsjournal.com/node/889>.

²² See, e.g., Rosemary Crompton, *The Decline of the Male Breadwinner: Explanations and Interpretations*, in *RESTRUCTURING GENDER RELATIONS AND EMPLOYMENT: THE DECLINE OF THE MALE BREADWINNER* 1, 2 (Rosemary Crompton ed., 1999) (referring to changing responsibilities of males and females within the domestic sphere); Jane Lewis & Susanna Giullari, *The Adult Worker Model Family, Gender Equality and Care: The Search for New Policy Principles and the Possibilities and Problems of a Capabilities Approach*, 34 *ECON. & SOC'Y* 76, 77-78 (2005) (referring to rebalancing paid and unpaid work between males and females).

²³ See Margaret Thornton & Joanne Bagust, *The Gender Trap: Flexible Work in Corporate Legal Practice*, 45 *OSGOODE HALL L.J.* 773, 805 (2007).

²⁴ See CAROL SMART, *PERSONAL LIFE: NEW DIRECTIONS IN SOCIOLOGICAL THINKING* 26-28 (2007).

²⁵ See, e.g., *LEGAL LIVES*, *supra* note 13; see also Tanya Snyder, *The Strain of Job Sprawl on Two-Income Households*, *DC.STREETS BLOG* (Aug. 9, 2012), <http://dc.streetsblog.org/>

In this regard, a range of empirical studies of contemporary legal lives, including the findings of the present study, suggest that this issue is not confined to women.²⁶ Rather, ideas about the work and care practices of both women *and* men are being reshaped in complex ways by these gender shifts. It is motherhood, however, that continues to be positioned as the key factor in policy debates about legal labor market inequality. Motherhood is discursively constructed as a social problem to be addressed (whether by individuals, law firms, or society) in ways that fatherhood is not²⁷—and in ways that then shape specific organizational responses on the part of law firms themselves, as in the phenomena of the “mommy track,”²⁸—while social norms around fatherhood and men’s practices are systemically rendered invisible. Within this work-life debate in law, notwithstanding that changes in men’s lives are interlinked to social shifts around motherhood,²⁹ men’s practices and experiences continue to be positioned as the unspoken, benchmark norm. This idea is encapsulated in the form of an ostensibly gender-neutral bleached out legal professionalism,³⁰ the disembodied “ideal worker” who, in reality, is of course gendered, raced, and classed.³¹ Thus, somewhat paradoxically, given the model of gender neutrality and rational choice framing this debate,³² men remain an absent presence, somehow seen and yet not seen—and certainly not seen as *gendered*

2012/08/09/the-strain-of-job-sprawl-on-two-income-households/ (noting that “dual-income households are on the rise”); *International Women in Law Summit 2012: Legacy Report with Recommendations*, THE LAW SOCIETY OF ENGLAND AND WALES (Mar. 8, 2012), <http://www.lawsociety.org.uk/representation/articles/international-women-in-law-summit-2012—legacy-report-with-recommendations/>.

²⁶ See LEGAL LIVES, *supra* note 13; see also Shoemaker, *supra* note 21.

²⁷ On this framing of the social problem see, for example, Nikolas Rose & Mariana Valverde, *Governed by Law?*, 7 SOC. & LEGAL STUD. 541, 547 (1998).

²⁸ That is, the “part-time solution” of “mommy-track” careers with attendant concerns about lower pay and status and “side-lining” of pressures for structural reforms. See Amelia J. Uelmen, *The Evils of “Elasticity”: Reflections on the Rhetoric of Professionalism and the Part-Time Paradox in Large Law Firm Practice*, 33 FORDHAM URB. L.J. 81, 82–83 (2005).

²⁹ See R.W. CONNELL, *GENDER AND POWER: SOCIETY, THE PERSON AND SEXUAL POLITICS* 46 (1987) [hereinafter CONNELL, *GENDER AND POWER*] (noting the relational nature of gender itself).

³⁰ See Hilary Sommerlad, Professor of Socio Legal Studies at the University of Leicester School of Law, Presentation at the International Working Group for Comparative Studies of Legal Professions Conference in Bonn, Germany: “Bleached Out” Professionalism Versus White Macho Masculinities, Pathologies of Black Masculinities or Black Professionalism? How to Succeed as a Black Male Solicitor (July 3, 2012); see also Mary Jane Mossman, *Legal Education as a Strategy for Change in the Legal Profession*, 10 INT’L J. LEGAL PROF. 149, 151–56 (2003); Thornton & Bagust, *supra* note 23, at 796; David B. Wilkins, *Identities and Roles: Race, Recognition, and Professional Responsibility*, 57 MD. L. REV. 1502, 1503–04 (1998).

³¹ See Richard Collier, *Reflections on the Relationship Between Law and Masculinities: Rethinking the “Man Question” in Legal Studies*, 56 CURRENT LEGAL PROBLEMS 345, 354–55 (2003).

³² See CATHERINE HAKIM, *KEY ISSUES IN WOMEN’S WORK: FEMALE DIVERSITY AND THE POLARISATION OF WOMEN’S EMPLOYMENT* 11 (2d ed. 2004). Described as “the favoured refrain of neo-liberalism” this sees individual choice as explaining why so few women are at the top of the legal hierarchy in such a way that “the systemic issues that deleteriously impact on women are glossed over. . . . [b]laming’ women for their ‘non-success’ through the discourse of choice . . . serves to sustain the disorderly subtext associated with women lawyers.” Thornton & Bagust, *supra* note 23, at 794.

subjects in the way that feminist and masculinity scholars have, since the late 1970s, called for “the masculinities of law” to be explored.³³

B. Equality, Diversity, and Access: The Evolving Policy Framework

In ways aligned to these feminist critiques of the gendered nature of the “ideal” legal professional, however, recent policy developments and debates have seen a significant shift in the political profile of equality, diversity, and access agendas in the legal profession, including in England and Wales.³⁴ This issue has further, if implicitly, pushed questions about fatherhood and masculinity center stage in debates about the making of a business case for equality within law firms. Over the past fifteen years or so, work-life balance³⁵ has evolved from being a largely fringe topic, couched broadly in terms of family-friendly policies of marginal concern, to a position in which it is increasingly seen as, at least potentially, a core business issue for law firms. Addressing the work-life agenda has been described as involving questions, variously, of meeting externally imposed gender equality and diversity agendas,³⁶ addressing the well-documented “drift” of women from the law;³⁷ of maximizing the organizational efficiency of law firms,³⁸ meeting client needs, winning the war for talent, and maintaining economic competitiveness within an increasingly fragmented, specialized, globally competitive and market-driven legal profession (a

³³ DOWD, *supra* note 1, at 3; COLLIER, *Introduction to MEN, LAW AND GENDER*, *supra* note 3, at 1. On asking the “man question” in law as part of an attempt, in the words of Margaret Thornton, to stop the depiction of women as “the problem” it is necessary for legal studies to deflect “the objectifying gaze from women and Indigenous people to benchmark masculinity and heterosexuality, as well as ‘whiteness’ [as part of] an attempt to disrupt the conventional orderings of modernity within legal texts.” Margaret Thornton, *Neoliberal Melancholia: The Case of Feminist Legal Scholarship*, 20 AUSTRALIAN FEMINIST L.J. 7, 15 (2004). *See also* PETER MIDDLETON, *THE INWARD GAZE: MASCULINITY AND SUBJECTIVITY IN MODERN CULTURE* 2 (1992).

³⁴ *See generally* Muzio & Tomlinson, *supra* note 19, at 455 (examining gender, diversity, and inclusion in professional organizations).

³⁵ The work-life literature is methodologically, theoretically and politically diverse, and the idea of work-life is itself, it is important to note, conceptually contested. In brief, the idea of “work-life” balance has been seen as referring to any connection between the work and personal domains of an individual. This involves both structural (time commitment–geographical location–family size) and psychological aspects (job/life satisfaction, stress, general health and well-being).

³⁶ *See, e.g.*, SOMMERLAD ET AL., *supra* note 19, at 4. Of particular importance in England and Wales, the regulatory objectives in the Legal Services Act 2007 include requirements relating to the promotion of a diverse legal workforce. LEGAL SERVS. BD., *INCREASING DIVERSITY AND SOCIAL MOBILITY IN THE LEGAL WORKFORCE: TRANSPARENCY AND EVIDENCE* 46 (2011). Against this backdrop, the Solicitors Regulation Authority (SRA) is running a mandatory survey to collect workforce diversity data for every regulated firm in England and Wales. *Diversity Data Collection for Firms*, SOLICITORS REG. AUTHORITY (Feb. 7, 2013), <http://www.sra.org.uk/sra/equality-diversity/diversity-data-collection.page>.

³⁷ 2 DUFF & WEBLEY, *supra* note 19, at 49; 1 SIEMS, *supra* note 19, at 9, 17.

³⁸ LEGAL LIVES, *supra* note 13; *see also* Joe Murphy, *Law Firms “Just Pay Lip Service to Promoting Women”*, EVENING STANDARD (London), Jan. 10, 2013, at 1 (suggesting that law firms are missing out on what women have to offer when organizations fail to offer flexible schedules).

profession in which, importantly, large City firms now have transnational and global reach).³⁹

For the law firms themselves, tackling this work-life agenda encompasses a set of related questions. These include concerns about the development of new technologies and firm investment in an infrastructure around the provision of working remotely for both lawyers and business support staff,⁴⁰ reforming the allocation and organization of work internal to the firm,⁴¹ and recognizing the key importance of partner behavior in shaping workplace practices and cultures, as partners come to be seen as potential role models for change within law firms.

One further important driver in reshaping this work-life agenda in the legal profession must be noted—that is, a sharpening of political and public policy debate around questions of gender equality, diversity, and access to the professions more generally, notably in the years since 1997.⁴² In the case of the law in particular, there has been growing concern over this period about the gap between a gender transformation at point of entry to law—where women now make up the majority of new recruits to law schools and the profession—and the continued dominance of men at senior levels within law firms, notably as equity and salaried partners in corporate City law firms.⁴³ The legal profession in the UK has been described as lagging behind other areas of business and

³⁹ The idea of the global law firm here refers to the emergence of firms with offices in multiple jurisdictions, often across North America, Asia and Europe. See James R. Faulconbridge et al., *Global Law Firms: Globalization and Organizational Spaces of Cross-Border Legal Work*, 28 NW. J. INT'L L. & BUS. 455, 455–56 (2008); John Flood, *Megalawyering in the Global Order: The Cultural, Social and Economic Transformation of Global Legal Practice*, 3 INT'L J. LEGAL PROF. 169, 188 (1996); John Flood, *Lawyers as Sanctifiers: The Role of Elite Law Firms in International Business Transactions*, 14 IND. J. GLOBAL LEGAL STUD. 35, 38–41 (2007); David M. Trubek et al., *Global Restructuring and the Law: Studies of the Internationalization of Legal Fields and the Creation of Transnational Arenas*, 44 CASE W. RES. L. REV. 407, 409 (1994). The following sources discuss the idea of law firms as an increasingly fragmented profession. See Andy Boon et al., *Postmodern Professions? The Fragmentation of Legal Education and the Legal Profession*, 32 J.L. & Soc'y 473, 474–75 (2005); Andrew Boon, *From Public Service to Service Industry: The Impact of Socialisation and Work on the Motivation and Values of Lawyers*, 12 INT'L J. LEGAL PROF. 229, 230–31 (2005); John Flood, *The Re-Landscaping of the Legal Profession: Large Law Firms and Professional Re-Regulation*, 59 CURRENT SOC. 507, 521 (2011); Andrew M. Francis, *Legal Ethics, the Marketplace and the Fragmentation of Legal Professionalism*, 12 INT'L J. LEGAL PROF. 173, 173–75 (2005); Donald Nicolson & Julian Webb, *Public Rules and Private Values: Fractured Profession(alism)s and Institutional Ethics*, 12 INT'L J. LEGAL PROF. 165, 166–68 (2005).

⁴⁰ LEGAL LIVES, *supra* note 13.

⁴¹ The findings of *Legal Lives* point to the importance of internal deadlines as more of a barrier than client demands, issues around the allocation of resources, the impact of “presenteeism,” and the significance of role models, as above, to communicate flexible working. This research grouped the challenges for private practice into three categories: working practices, culture, and out-of-office working. LEGAL LIVES, *supra* note 13.

⁴² See, e.g., ALAN MILBURN, CABINET OFFICE, LONDON, FAIR ACCESS TO PROFESSIONAL CAREERS: A PROGRESS REPORT BY THE INDEPENDENT REVIEWER ON SOCIAL MOBILITY AND CHILD POVERTY, 3–4, 57 (2012); ALAN MILBURN ET AL., PANEL ON FAIR ACCESS TO THE PROFESSIONS, CABINET OFFICE, LONDON, UNLEASHING ASPIRATION: THE FINAL REPORT OF THE PANEL ON FAIR ACCESS TO THE PROFESSIONS 64 (2009).

⁴³ SOMMERLAD ET AL., *supra* note 19, at 10; Thornton & Bagust, *supra* note 23, at 774–75.

professional practice, including parts of the financial services and banking sectors, with City law firms seen as especially inflexible and resistant to significant change in terms of their organizational structure and working practices.⁴⁴

Against this backdrop, noting the wider role of large corporate law firms in shaping the employment profile of the legal profession as a whole in the UK, the spotlight has fallen particularly on the practices and workplace policies of City law firms as they relate to questions of gender equality and work-life balance.⁴⁵ Meanwhile, aligned to wider social mobility debates around the intersections of class, race, and ethnicity⁴⁶—not least in terms of large law firm recruitment policies from UK universities—their attempts to engage with new diversity and access agendas in law has been seen as enmeshed with tackling core problems regarding the attrition of women lawyers from the legal profession post-qualification and the related difficulties that can face women who return to the law.⁴⁷

Each of the above debates raise issues about men's practices and attitudes and how they relate to the reproduction of gendered divisions and normative gendered beliefs within law firms. They throw into question, in particular, how women and men experience and understand, reproduce or challenge gender norms that shape the negotiation of work and home commitments. That is, they concern the gendering of processes of professional identity formation in law and, with it, the construction of ideas of career success in large law firms. It is formally recognized that without changing men in the legal profession, and in particular male partners in law firms, meaningful reform in this area may be difficult to achieve.⁴⁸ Yet men would once again appear within this entire debate about work-life policy to be an almost invisible presence.

C. *Studying Men and the Changing Law Firm*

Third, turning to the critical study of men and masculinity itself, there have been significant advances within fields of literature that cast new light on how men's gendered practices might then be understood in the context of law firms—in the study, for example, of men, management, and organizational cul-

⁴⁴ See LEGAL LIVES, *supra* note 13; see also Janet Gaymer, Senior Partner at Simmons & Simmons, Presentation at The Woman Lawyer Forum Conference in London: Flexible Working—The Individual, The Employer and You (Mar. 5, 2005); see also Eli Wald, *The Changing Professional Landscape of Large Law Firms, Glass Ceilings and Dead Ends: Professional Ideologies, Gender Stereotypes, and the Future of Women Lawyers at Large Law Firms*, 78 *FORDHAM L. REV.* 2245, 2274–75 (2010).

⁴⁵ See Michael Shiner, *Young, Gifted and Blocked! Entry to the Solicitors' Profession*, in *DISCRIMINATING LAWYERS* 87, 105, 118 (Philip Thomas ed., 2000); see also Hilary Sommerlad, "What Are You Doing Here? You Should Be Working in a Hair Salon or Something": *Outsider Status and Professional Socialization in the Solicitors' Profession*, 2 *WEB J. OF CURRENT LEGAL ISSUES* 2–3, 15 (2008), <http://webjcli.ncl.ac.uk/2008/issue2/sommerlad2.html> (citing MICHAEL SHINER, *LAW SOC'Y, ENTRY INTO THE LEGAL PROFESSION: THE LAW STUDENT COHORT STUDY, Year 5* (1999)).

⁴⁶ See Sommerlad, *supra* note 18, at 193–94 (discussing a legal career as a social mobility project).

⁴⁷ See SOMMERLAD ET AL., *supra* note 19, at 16–17.

⁴⁸ See Wald, *supra* note 44, at 2246.

tures;⁴⁹ the interconnections between men's work, their family practices, and personal lives;⁵⁰ of the interplay of fatherhood, intimacy, and emotion;⁵¹ and, my particular focus below, in conceptual work around men and masculinities.

However, this wider literature on men and gender has a particular relevance for the study of men, masculinity, and the legal profession for two, more specific reasons. First, in the study of women lawyers to date, understandably in terms of the political standpoint and methodology, the primary focus has tended to be women and women's lives and experiences, at times giving short shrift to questions of masculinities and fatherhood. Importantly, while questions of masculinity have certainly been addressed within studies of gender and the legal profession, as they have within feminist legal theory,⁵² this has often taken place from within a sociological framework of structured action theory and an engagement, in particular, with the concept of hegemonic masculinity.⁵³ This is an approach underscored by a conceptualization of sex/gender that has been increasingly questioned within much sociological work and gender theory over the past decade, including in the study of men and masculinities.⁵⁴ While the contours of this wider critique and debate are beyond the scope of the present discussion, the theorizing of masculinity, in short, has moved on in significant ways. This development, however, is not always reflected in the kinds of engagements with men and gender that have taken place in studies of the legal profession and in legal scholarship more generally—engagements that would appear, in many respects at least, to be wedded to a model of hegemonic mas-

⁴⁹ See, e.g., David L. Collinson & Jeff Hearn, *Breaking the Silence: On Men, Masculinities and Managements*, in *MEN AS MANAGERS, MANAGERS AS MEN: CRITICAL PERSPECTIVES ON MEN, MASCULINITIES AND MANAGEMENTS* 1, 1–2, 22 (David L. Collinson & Jeff Hearn eds., 1996); see also SUSAN HALFORD & PAULINE LEONARD, *NEGOTIATING GENDERED IDENTITIES AT WORK: PLACE, SPACE AND TIME* 14–15 (2006); MICHAEL ROPER, *MASCULINITY AND THE BRITISH ORGANIZATION MAN SINCE 1945*, at 1–2 (1994); Jeff Hearn, *Feeling Out of Place? Towards the Transnationalizations of Emotions*, in *THE EMOTIONAL ORGANIZATION: PASSIONS AND POWER* 184, 184 (Stephen Fineman ed., 2008); Deborah Kerfoot & David Knights, *Management, Masculinity and Manipulation: From Paternalism to Corporate Strategy in Financial Services in Britain*, 30 *J. MGMT. STUD.* 659, 660 (1993).

⁵⁰ See SMART, *supra* note 24, at 29–31.

⁵¹ See ESTHER DERMOTT, *INTIMATE FATHERHOOD: A SOCIOLOGICAL ANALYSIS* 64–75 (2008); ANDREA DOUCET, *DO MEN MOTHER? FATHERING, CARE, AND DOMESTIC RESPONSIBILITY* 112 (2006); NANCY E. DOWD, *REDEFINING FATHERHOOD* 39–41 (2000); BRID FEATHERSTONE, *CONTEMPORARY FATHERING: THEORY, POLICY AND PRACTICE* 92–96 (2009); RALPH LAROSSA, *THE MODERNIZATION OF FATHERHOOD: A SOCIAL AND POLITICAL HISTORY* 13, 16 (1997); CHARLIE LEWIS & MICHAEL E. LAMB, *UNDERSTANDING FATHERHOOD: A REVIEW OF RECENT RESEARCH* 6–8 (2007); DEBORAH LUPTON & LESLEY BARCLAY, *CONSTRUCTING FATHERHOOD: DISCOURSES AND EXPERIENCES* 84–87 (1997); see also Barbara Hobson & David Morgan, *Introduction to MAKING MEN INTO FATHERS: MEN, MASCULINITIES AND THE SOCIAL POLITICS OF FATHERHOOD* 1, 6–7 (Barbara Hobson ed., 2004); Masako Ishii-Kuntz, *Paternal Involvement and Perception Toward Fathers' Roles: A Comparison Between Japan and the United States*, in *FATHERHOOD: CONTEMPORARY THEORY, RESEARCH, AND SOCIAL POLICY* 102, 102–03 (William Marsiglio ed., 1995).

⁵² COLLIER, *Men, Masculinities and Law*, *supra* note 6, at 8.

⁵³ See, e.g., HOWSON, *supra* note 10, at 5; see also sources cited *supra* note 10.

⁵⁴ See WENDY CEALEY HARRISON & JOHN HOOD-WILLIAMS, *BEYOND SEX AND GENDER* 30, 113 (2002); COLLIER, *MASCULINITIES, CRIME AND CRIMINOLOGY*, *supra* note 2, at ix.

culinity that first emerged over twenty-five years ago, notably via the influential work of Raewyn Connell.⁵⁵

Secondly, many of these earlier studies of women lawyers, gender and judging themselves pre-date significant structural, organizational, and cultural changes within law firms themselves, not least in terms of what is now widely understood to be an increasingly fragmented, global legal profession.⁵⁶ This is a profession in which large transnational law firms have become marked by a hyper-competitive business culture,⁵⁷ a culture interlinked, in recent sociological work, with the emergence of new global elites.⁵⁸ Key themes around this restructuring of the legal profession include the rise of a heightened form of “commercialized professionalism” within the expanding, amalgamated industrial large law firm;⁵⁹ an increased concentration of capital and stratification in law firms;⁶⁰ a significant reshaping of the nature of law firm partnership; increased competition allied to the emergence of new technologies and the demanding “casino capitalist” client;⁶¹ and, interlinked with each of the above, the heightened resonance of a wide range of equality and diversity discourses, interlinked to a form of direct intervention by the state in both the structural and cultural conditions of legal practice. This is a process that has, itself, “hastened technocratic and bureaucratic rationalisation including the dismantling of an artisan approach to legal practice.”⁶²

Against such a backdrop, how resonant are earlier conceptualizations around masculinity, gender, and power in accounting for new configurations of gender arising as a result of these changes? What, in particular, has been the

⁵⁵ See, e.g., CONNELL, GENDER AND POWER, *supra* note 29, at 183–84.

⁵⁶ See Hilary Sommerlad, *Minorities, Merit, and Misrecognition in the Globalized Profession*, 80 FORDHAM L. REV. 2481, 2485, 2490 (2012); see also James R. Faulconbridge & Daniel Muzio, *Professions in a Globalizing World: Towards a Transnational Sociology of the Professions*, 27 INT’L SOC. 136, 143 (2011).

⁵⁷ Wald, *supra* note 44, at 2287; see Thornton & Bagust, *supra* note 23, at 776, 789; see also Daniel Muzio & John Flood, *Entrepreneurship, Managerialism and Professionalism in Action: The Case of the Legal Profession in England and Wales*, in HANDBOOK OF RESEARCH ON ENTREPRENEURSHIP IN PROFESSIONAL SERVICES 369, 369 (Markus Reihlen & Andreas Werr eds., 2012).

⁵⁸ See William K. Carroll & Colin Carson, *The Network of Global Corporations and Elite Policy Groups: A Structure for Transnational Capitalist Class Formation?*, 3 GLOBAL NETWORKS 29, 35–37 (2003); William K. Carroll & Meindert Fennema, *Is There a Transnational Business Community?*, 17 INT’L SOC. 393, 396–98 (2002); see also J Flood, *Capital Markets, Globalisation and Global Elites*, in TRANSNATIONAL LEGAL PROCESSES: GLOBALISATION AND POWER DISPARITIES 114, 115–16 (Michael Likosky ed., 2002).

⁵⁹ GERARD HANLON, LAWYERS, THE STATE AND THE MARKET: PROFESSIONALISM REVISITED 123–61 (1999); see RICHARD L. ABEL, ENGLISH LAWYERS BETWEEN MARKET AND STATE: THE POLITICS OF PROFESSIONALISM 159 (2003); MARC GALANTER & THOMAS PALAY, TOURNAMENT OF LAWYERS: THE TRANSFORMATION OF THE BIG LAW FIRM 31–33, 61 (1991); see also William LF Felstiner, *Reorganisation and Resistance*, in REORGANISATION AND RESISTANCE: LEGAL PROFESSIONS CONFRONT A CHANGING WORLD 1, 4–5, 9–10 (William LF Felstiner ed., 2005); Christopher J. Whelan, *The Paradox of Professionalism: Global Law Practice Means Business*, 27 PENN ST. INT’L L. REV. 465, 465–66 (2008).

⁶⁰ Sommerlad, *Women Solicitors in a Fractured Profession*, *supra* note 19, at 215–17.

⁶¹ *Id.* at 215.

⁶² *Id.*

impact of women's entry to the law on these gender relations and on socio-legal understandings of law as a masculine profession?

There appears a marked gap between, on the one hand, studies of gender and the legal profession that continue—with some exceptions—to engage with men and gender in terms of the concept of hegemonic masculinity, and, on the other, sociological studies of men and masculinity, which are now seeking to refocus this debate on the reproduction of a hegemony of transnational men via a reframing of hegemonic masculinity in terms of an exploration of the phenomena of transnational business masculinities.

D. *Fathers and the "New Fatherhood" Agenda*

Fourth, and finally, cutting across each of the above areas it is important to note the growing interest in fathers and fatherhood amongst academics, politicians, and policy makers alike over the last two decades.⁶³ This is a development with significant implications for the critical study of men in the legal profession. In ways that track to the evolving work-life agenda discussed above, the UK has, like other countries, seen the emergence of a diverse range of policy, legislative, and service delivery initiatives focused on men's parenting at the interface of work and family life.⁶⁴ These initiatives are aimed, at their simplest, at getting men more involved in child care and domestic labor within a context where women now make up an increasingly large part of the workforce—as they do in the case of law. The promotion of active fathering has emerged as a key policy concern and the new fatherhood policy agenda, as it has been termed, has become a central theme within both UK and European Union work-life policy and legal frameworks seeking to encourage a fairer

⁶³ See, e.g., ADRIENNE BURGESS, FATHERS DIRECT, THE COSTS AND BENEFITS OF ACTIVE FATHERHOOD: EVIDENCE AND INSIGHTS TO INFORM THE DEVELOPMENT OF POLICY AND PRACTICE, <http://www.fatherhoodinstitute.org/uploads/publications/247.pdf> (last visited Mar. 23, 2013) [hereinafter BURGESS, COSTS AND BENEFITS OF ACTIVE FATHERHOOD]; see also ADRIENNE BURGESS & GRAEME RUSSELL, *Fatherhood and Public Policy*, in SUPPORTING FATHERS: CONTRIBUTIONS FROM THE INTERNATIONAL FATHERHOOD SUMMIT 2003, at 108, 109 (2004); Kate Stanley & Corinna Gamble, *Introduction: Fathers and Policy*, in DADDY DEAREST? ACTIVE FATHERHOOD AND PUBLIC POLICY 1, 1–2 (Kate Stanley ed., 2005); see also RICHARD COLLIER & SALLY SHELDON, FRAGMENTING FATHERHOOD: A SOCIO-LEGAL STUDY 1–2 (2008); FEATHERSTONE, *supra* note 51, at 1.

⁶⁴ See, e.g., BURGESS, COSTS AND BENEFITS OF ACTIVE FATHERHOOD, *supra* note 63, at 8–9; DAVID BARTLETT, ADRIENNE BURGESS, & K. JONES, A TOOLKIT FOR FATHER-INCLUSIVE PRACTICE (2007); EQUAL. AND HUMAN RIGHTS COMM'N (GREAT BRITAIN), WORKING BETTER: FATHERS, FAMILY AND WORK—CONTEMPORARY PERSPECTIVES 2–3, 15 (2009), available at http://www.equalityhumanrights.com/uploaded_files/research/41_wb_fathers_family_and_work.pdf; FATHERHOOD INST., FATHERS AND FAMILY HEALTH IN THE PERINATAL PERIOD: A BRIEFING ON FATHERS' ROLES AND IMPACT 2–3 (2010), available at <http://www.fatherhoodinstitute.org/uploads/publications/448.pdf>; see also ADRIENNE BURGESS & DAVID BARTLETT, WORKING WITH FATHERS: A GUIDE FOR EVERYONE WORKING WITH FAMILIES (2004); COLLIER & SHELDON, *supra* note 63, at 122–26; COLLIER, *Engaging Fathers, Changing Men? Law, Gender and Parenting Cultures*, in MEN, LAW AND GENDER, *supra* note 1, at 128, 140–42; Brid Featherstone, *Writing Fathers in but Mothers Out!!!*, 30 CRITICAL SOC. POL'Y 208, 209–13 (2010).

division of paid and unpaid work and to facilitate women's take up of paid employment.⁶⁵

Engaging with fathers, therefore, is an issue enmeshed with the legal and policy developments around the promotion of gender equality, flexible working, and shared parenting discussed above. It also connects directly to gender labor market transformations in the legal profession and to the social changes that are heightening the political resonance of the work-life balance debate within law firms. Further, it is important to recognize how both politically and culturally, as well as legally, Sally Sheldon and I have argued in our book, *Fragmenting Fatherhood*, there is reason to believe that there has been a transformation in ideas about fatherhood in relation to both the workplace and home.⁶⁶ For example, many men may be seeking different kinds of relationships with their children from previous generations. Men *and* women appear to be changing their perceptions of what it now means to be and what is expected of a "good dad."⁶⁷ Men's contribution to child care continues to trail that of mothers. This does not mean, however, that the nature of contemporary fathering and related ideas about fatherhood and intimacy are not shifting in significant respects.⁶⁸

How is this relevant to law and masculinity? Numerous research studies have sought to explore diverse aspects of fathers' changing experiences within workplace contexts, as well as in relation to the work-life policy framework.⁶⁹ Yet fathers in the legal sector, with a few exceptions, have seldom been researched. Rather, the dominant assumption, as Thornton and Bagust observe, has tended to be that:

[F]atherhood does not exert the same devastating effect on a career as motherhood. Most lawyer fathers in this study had partners who were full-time, stay-at-home mothers, which attests to the conservative lifestyle of those in corporate practice. In any case, fatherhood has conventionally been viewed as an indicator of marriage and stability—factors deemed to justify higher pay.⁷⁰

⁶⁵ See *About Us*, THE FATHERHOOD INST., <http://www.fatherhoodinstitute.org/about-the-fatherhood-institute/> (last visited Mar. 23, 2013); ADRIENNE BURGESS, FATHERHOOD INST., MATERNITY LEAVE, PARENTAL CHOICE AND CHILD WELFARE 1–2 (June 12, 2012), available at <http://www.fatherhoodinstitute.org/2012/fi-briefing-maternity-leave-parental-choice-and-child-welfare>.

⁶⁶ See generally COLLIER & SHELDON, *supra* note 63.

⁶⁷ See sources cited *supra* note 51; see also MARGARET O'BRIEN & IAN SHEMILT, WORKING FATHERS: EARNING AND CARING 19 (2003), available at <http://www.fatherhoodinstitute.org/uploads/publications/280.pdf>; Margaret O'Brien, Berit Brandth & Elin Kvande, *Fathers, Work and Family Life: Global Perspectives and New Insights*, 10 COMMUNITY, WORK & FAM. 375, 376 (2007); Margaret O'Brien, *Shared Caring: Bringing Fathers into the Frame* 2, 10, 36 (Equal Opportunities Comm'n, Working Paper No. 18, 2005), available at http://dera.ioe.ac.uk/5299/1/1.73363!shared_caring_wp18.pdf; Charlie Lewis, *A Man's Place in the Home: Fathers and Families in the UK*, FOUND. 2 (Apr. 2000), <http://www.jrf.org.uk/sites/files/jrf/440.pdf>.

⁶⁸ See generally FEATHERSTONE, *supra* note 51, at 87–108.

⁶⁹ See, e.g., TINA MILLER, MAKING SENSE OF FATHERHOOD: GENDER, CARING AND WORK 28–31 (2011); Majella Kilkey, Elin Kvande, Diane Perrons & Ania Plomien, Presentation at LSE Gender Institute and University of Hull seminar in London: Fathering and Work-Life Balance: Challenges for Policy (Mar. 5, 2010); see also *supra* notes 51 & 67.

⁷⁰ Thornton & Bagust, *supra* note 23, at 784.

Yet how relevant are such assumptions about fatherhood in the light of the arguments set out above and in the context of these social changes? What is known of the realities and complexities of men's family practices in this field? Little is known about what the implications of these social shifts around men's parenting might be for understanding career progression within the legal profession and, with it, what they mean for the working practices and organizational cultures/structures of law firms.

In drawing on the four research contexts discussed above, the project on which this reading draws asks how reframing a "problem of men" in law might shift perceptions of work-life balance within law firms. What happens if we look more closely at the interplay of gender, fatherhood, and professional identity formation within large law firms? What do we actually know about men's everyday experience and their care-work practices in this part of the legal profession? How do male lawyers parent, divide responsibilities with their wife/partner, and, in turn, interact with the law firms in which they work, as well as with the wider business community? Little is known of the testimony of male lawyers concerning their perceptions of the complex social changes discussed above. It is an absence that this research project seeks to address.

III. MEN, MASCULINITIES & THE LEGAL PROFESSION: RECONCEPTUALIZING MEN IN LAW FIRMS

I have heard anecdotally here people say I really wouldn't want my child to come and work in a law firm . . . they just know what the working hours are going to be. But these men who reflect never say "I wish I'd spent more time in the office" . . . it's "I wish I'd spent more time with the family."⁷¹

By focusing on the views of male lawyers, and in addressing each of the research contexts outlined above, the project thus explores various aspects of men's practices and experiences at the interface of their work and family commitments. In so doing, it raises a new set of questions about the changing nature of gendered identity construction within law firms as it relates to questions around fatherhood.⁷² The interviews with male lawyers highlight the importance of grounding these processes within the specific local, organizational contexts of the law firm and the area of legal practice under discussion, noting the significance of both the individual life course⁷³ and distinctive professional "habitus" in understanding the changing contours of men's experiences in the legal profession.⁷⁴

⁷¹ Interview with Human Resources Manager, SLSA Study, 2011, *supra* note 11, in London, England (2011) (on file with author).

⁷² See SLSA Study, 2011, *supra* note 11.

⁷³ See *infra* note 74.

⁷⁴ See Sommerlad, *Professional Identity Formation*, *supra* note 18, at 194–97. Sommerlad addresses how "identity and professional development entail habituation to a discursive and symbolic field, the production of disciplined bodies, within which must be objectified those 'durable dispositions that recognize and comply with the specific demands of a given institutional area of activity.'" *Id.* at 194. In particular, she notes, following Bourdieu, how lawyers come to "incubat[e] a professional habitus. The process of 'becoming' is immanent within all their corporeality and cultural life, resulting in a harmony between their private and public existences: in practical terms their private existence is moulded to support their public

In the remainder of this Article, focused on the theorizing of masculinity and law, and drawing as appropriate on selected emerging themes from the project, I shall explore some of the possible implications of the study for developing understanding of the masculinity of the legal profession. More specifically, I shall consider two different readings of the relationship between law and masculinity arising from the work.

A. *On Reading Law as a “Masculine” Profession: Gender, Culture, Power*

To return to the question of how legal studies has (or has not) sought to engage with masculinities, the making of a correlation between “doing masculinity” and “doing law” has long been a recurring theme within socio-legal accounts of women, gender, and the legal profession, as well as within feminist legal scholarship and critique more generally.⁷⁵ It is a connection that cuts across diverse feminist standpoints and approaches. On one level, it is an association that runs through this project and the interviews with male lawyers, a connection that would appear to be justified simply on empirical grounds:

Oh, it is still masculine at the moment, I mean, if you look at our Partnership we have [X] per cent men. . . . if you come into a Partners meeting you kind of look around and try and see where the women are . . . it's still a masculine environment . . . We've been revising our Partnership criteria, thank god, we were looking for people who are 'hungry' and 'driven' . . . well that's now gone thankfully.⁷⁶

The wider rich literature on women, the legal profession, gender, and professional identity formation in law firms provides a powerful case that many aspects of legal practice and culture do remain distinctly masculine in nature (whether or not this is to be conceptualized as hegemonic) and that “circuits of social embodiment” continue to involve the institutions of law “on which [men's] privileges rest.”⁷⁷ In particular, the ideal legal professional in City law firms continues to be gauged in terms of a three-fold spatial, economic, and corporeal nexus—that is, in terms of ideas of bodily presence/visibility/performance, of economic production (the amount of money generated), and, culturally, a form of bleached out professionalism.⁷⁸ This ideal legal worker is constituted via reference to still powerful and resonant gendered divisions,

career and their public career makes use of their private world.” *Id.* at 197. Questions of masculinity, I suggest, are intimately related to such ideas of harmony or disjunction between the realms of (public) work and (private) home.

⁷⁵ In exploring the significant overlaps or mutual resonances between how “both law and masculinity are constituted in discourse,” for example, Carol Smart has argued

[L]aw is not rational because men *are* rational, but law is constituted as rational as are men, *and men as the subjects of the discourse of masculinity* come to experience themselves as rational—hence suited to a career in law.

In attempting to transform law, feminists are not simply challenging legal discourse *but also naturalistic assumptions about masculinity.*

CAROL SMART, FEMINISM AND THE POWER OF LAW 86–87 (1989) (some emphasis added); For further discussion see COLLIER, *Men, Masculinities and Law*, *supra* note 6, at 8–20.

⁷⁶ Interview with Law Firm Partner, SLSA Study, 2011, *supra* note 11, in London, England (2011) (on file with author).

⁷⁷ See Connell & Messerschmidt, *supra* note 10, at 852.

⁷⁸ See, e.g., Sanford Levinson, *Identifying the Jewish Lawyer: Reflections on the Construction of Professional Identity*, 14 CARDOZO L. REV. 1577, 1578–79 (1993); see also Sommerlad, *supra* note 18, at 194.

practices and cultures—in particular, ideas around embodiment, sexuality,⁷⁹ authority and power⁸⁰ that are commonly associated with (hegemonic) masculinity.⁸¹ Further, this subject is marked by an overarching organizational commitment to the law firm that—when “work” and “life” clash—work is seen as inevitably taking precedence over what Martha Fineman terms the “inevitable dependencies” and vulnerabilities associated with family life.⁸²

In support of such a reading of law and masculinity, this research project highlights various aspects of everyday practices, attitudes, values, and cultures that can be seen to link to the reproduction of a “hegemony of men” at senior levels in law firms.⁸³ For example, particular ideas about (hetero)sexuality, reproduction, child care, men’s authority, male weakness, and vulnerability⁸⁴ are mediated by naturalized beliefs about masculinity and femininity in ways that inform assumptions about the kind of individual who will, and will not, succeed in such a firm. This was especially evident in perceptions of the exceptional woman partner in law firms, the personal costs of succeeding as a woman in law, and the presumed inevitability of these traditional gendered divisions around work and home.⁸⁵ This was presented in terms of the hard realities informing who does and does not work flexibly in practice.⁸⁶ This picture of “how things are” is enmeshed with an acceptance of the inherently competitive nature of a career in large law firms. These gendered assumptions in turn inform the processes whereby men deploy their wealth and establish relations (for example, of distance and dominance) over other men’s and women’s bodies.⁸⁷ In this latter regard, a two-fold commodification of fatherhood and masculinity itself appears to inform the process of identity construction as a

⁷⁹ See Kathryn Haynes, *Body Beautiful? Gender, Identity and the Body in Professional Services Firms*, 19 GENDER, WORK & ORG. 489, 490 (2012); see also Rosemary Hunter, (*De*-)Sexing the Woman Lawyer, in GENDER, SEXUALITIES AND LAW 26, 33 (Jackie Jones et al. eds., 2011).

⁸⁰ Margaret Thornton, *Authority and Corporeality: The Conundrum for Women in Law*, 6 FEMINIST LEGAL STUD. 147, 150, 153–54 (1998).

⁸¹ See, e.g., SUSAN EHRLICH MARTIN & NANCY C. JURIK, DOING JUSTICE, DOING GENDER: WOMEN IN LEGAL AND CRIMINAL JUSTICE OCCUPATIONS 34–36 (2d ed. 2007).

⁸² MARTHA ALBERTSON FINEMAN, THE NEUTERED MOTHER, THE SEXUAL FAMILY AND OTHER TWENTIETH CENTURY TRAGEDIES 161–62 (1995); see also MARTHA ALBERTSON FINEMAN, THE AUTONOMY MYTH: A THEORY OF DEPENDENCY 248–49 (2004).

⁸³ See Hearn, *supra* note 2, at 54, 60.

⁸⁴ Thornton and Bagust note how “[t]he pressures on male lawyers in large corporate firms not to work flexible hours . . . are immense. Even having children, once an unequivocal good for a male lawyer, may now be perceived as a drawback—especially if his partner (not unreasonably) expects support from him.” Thornton & Bagust, *supra* note 23, at 805. See also COLLIER, “Please Send Me Evenings and Weekends”, *supra* note 11, at 152–53, 160–171 (discussing “[m]ale lawyers, gender and the negotiation of work and family commitments”).

⁸⁵ See Nicole Buonocore Porter, *Re-Defining Superwoman: An Essay on Overcoming the “Maternal Wall” in the Legal Workplace*, 13 DUKE J. GENDER L. & POL’Y 55, 55–56, 58–59 (2006).

⁸⁶ Selmi, *supra* note 16, at 594–95, 597–98 (discussing other studies, whereby, there appears a vast disparity between numbers of male lawyers engaging in part-time work compared to women).

⁸⁷ See, e.g., Mike Donaldson & Scott Poynting, *The Time of Their Lives: Time, Work and Leisure in the Daily Lives of Ruling-Class Men*, in RULING AUSTRALIA: THE POWER, PRIVILEGE & POLITICS OF THE NEW RULING CLASS 127, 138–42 (Nathan Hollier ed., 2004) (dis-

“successful man” and a “successful lawyer” in complex and often contradictory ways.

The idea that there is a correlation between law and masculinity in this area of the legal profession appears strong. Such an argument can, indeed, be taken further. In the wider context of male business executives’ ongoing dominance within large law firms as well as across the fields of global finance, business, and financial services more generally, far from seeing a feminization of the legal profession as a result of the increase in female workers, there is reason to believe something else may be occurring. Noting the seemingly intractable nature of the work-life conundrum for large law firms, the increasing degree of (gendered) polarization within the legal workforce⁸⁸ and rise of a dominant hyper-competitive legal-business culture,⁸⁹ something else may be happening. That is, a process of “gendered segmentation” whereby men’s resistance to change, as “a defence mechanism of an embattled profession,” leads to continued male domination.⁹⁰ Crucially, this is done in such a way that these male lawyers can seek to maintain their status and rewards while still formally aligning with gender neutral, progressive equality policies.⁹¹

The above account of the interconnections between masculinity and law tracks to how policy discussion in this area continues to be largely framed via the idea of rational choice—a choice that is set apart from any consideration of social context.⁹² Choice is seen as an individual matter, set apart from the attitudes and practices that—it can be simultaneously recognized—are deeply embedded within the cultures of the law firm and the legal profession.⁹³ Further, an overarching, and often strongly articulated, personal commitment to formal gender equality and gender neutrality on the part of these men, including a recognition of the particular difficulties that can face women lawyers, is interconnected with the strong individualism of neo-liberal ideology—the belief, in essence, that every person is and should be ultimately responsible for their own achievement.

cussing how media giant, Rupert Murdoch, exercises dominance, wealth, and power over his employees).

⁸⁸ See Ronit Dinovitzer, *The Financial Rewards of Elite Status in the Legal Profession*, 36 L. & SOC. INQUIRY 971, 971 (2011). Whereby, a “new feminized underclass of lawyering” would itself appear to be emerging, encompassing a range of tasks associated with legal knowledge-management for example. Thornton & Bagust, *supra* note 23, at 788. Allied to this, the assigning of routine work to part-time associates has been seen to increase the likelihood that they will be unable to ever receive more complex assignments or ever eventually become partners. See DEBORAH L. RHODE, *BALANCED LIVES: CHANGING THE CULTURE OF LEGAL PRACTICE* 16 (2001).

⁸⁹ Thornton & Bagust, *supra* note 23, at 802–03.

⁹⁰ Sharon C. Bolton & Daniel Muzio, *Can’t Live with ‘Em; Can’t Live Without ‘Em: Gendered Segmentation in the Legal Profession*, 41 SOC. 47, 49 (2007). See also Sharon Bolton & Daniel Muzio, *The Paradoxical Processes of Feminization in the Professions: The Case of Established, Aspiring and Semi-Professions*, 22 WORK, EMP. & SOC’Y 281, 283, 286–88, 291, 294 (2008); Daniel Muzio & Stephen Ackroyd, *On the Consequences of Defensive Professionalism: Recent Changes in the Legal Labour Process*, 32 J.L. & SOC’Y 615, 619, 633, 638–39 (2005).

⁹¹ See R. W. Connell & Julian Wood, *Globalization and Business Masculinities*, 7 MEN & MASCULINITIES 347, 353–54, 359–60 (2005).

⁹² HAKIM, *supra* note 32, at 11, 113; Thornton & Bagust, *supra* note 23, at 794.

⁹³ Thornton & Bagust, *supra* note 23, at 794.

Law is a meritocracy. If you are good you'll get on. If you are black, white, male, female, whatever . . . most people I know don't give a monkeys . . . it is your attitude, how you work . . . but for women it can be more difficult to work that way. Not because they are female per se, we still live in a society where women are the home-maker because they have the babies . . . we can't change biology . . . she has to physically have the child, and that creates problems for the firm.⁹⁴

In such a political, cultural, and economic context, as noted in other fields, some men in law firms may well find it easier to support gender equality agendas if it fits the wider organizational aims of the law firm in terms of maximizing profit, promoting progressive modernization, and appealing to a global client base that is increasingly demanding in terms of diversity and gender equity. However, they may be “less likely to change the power structures of their own personal relationships.”⁹⁵ The events of recent years around the global financial crisis lend additional salience to the above arguments—noting the interconnections between large corporate law firms, the banking, and financial services sectors and subsequent development of a regressive (and itself profoundly gendered) neo-liberal austerity politics within the UK.⁹⁶

In short, far from any feminization of the profession, what may be occurring, Margaret Thornton and Joanne Bagust suggest, is a process more akin to a regressive retrenchment and remasculinization of the law, a heightened gendered polarization within the legal profession that, paradoxically, runs alongside the rise of equality and flexible working agendas and the growing recognition of the importance of fathers.⁹⁷

B. Reinterpreting Change: From Hegemonic Masculinity to Transnational Business Masculinities?

1. On the Limits of Masculinity

Notwithstanding the above arguments, in turning to the interconnections between fatherhood and masculinity, the research project also suggests the picture may be more complex than any simplistic correlation between “doing masculinity” and “doing law.”⁹⁸ Or, at the very least, understanding the gender cultures of law requires questioning the use of any singular, monolithic concept

⁹⁴ Interview with Human Resources Manager, SLSA Study, 2011, *supra* note 11, in London, England (2011) (on file with author).

⁹⁵ R. W. Connell, *Men, Masculinities and Feminism*, 16 *SOC. ALTERNATIVES* 7, 7 (1997).

⁹⁶ Whereby corporate lawyers themselves play a key role “as market facilitators on the global stage.” Thornton & Bagust, *supra* note 23, at 810. As Sommerlad observes, corporate lawyers have played a “constituent role in shaping the substance of significant dimensions of [socio-economic] upheavals, and . . . [the] birth of a new international order’ [marked by] emerging transnational markets and the ‘hybridised or privatised . . . non-state regimes.’” Sommerlad, *Professional Identity Formation*, *supra* note 18, at 191 (citation omitted). It is set in this context that the “growth of the corporate [legal] sector” has been fuelled “in terms of . . . its earnings, geographical reach, and the numbers of lawyers it employed.” *Id.*

⁹⁷ See Thornton & Bagust, *supra* note 23, at 803–05. As Cunningham observes, “The fact remains that although these [flexible working] policies are facially supportive of a lawyer’s familial commitments, structural deficiencies and cultural mores remain firmly in place to keep most lawyers, especially men, from taking advantage of the programs.” Cunningham, *supra* note 16, at 972.

⁹⁸ For a further exploration of this theme across different legal contexts, see COLLIER, *MEN, LAW AND GENDER*, *supra* note 1.

of masculinity, suggesting instead how the meaning of masculinity may have changed in some significant respects. It is important to recognize, for example, the differential and often partial nature of the commitments individual men can have to the modes of masculinities that circulate in large law firms, and, importantly, how commitments to normative ideas of masculinity can themselves vary across different stages of the life course. Further, differences can exist within and between large law firms themselves, and between men within specific departmental/workplace contexts, in terms of their perceptions of the gendered cultures of law. In terms of the movement and flow of men's bodies between social spaces, the research highlights various aspects of the highly reflexive, performative, and multi-dimensional nature of fathering practices and masculine identities, as men move between different social contexts in terms of being (and being seen to be) the "good father" at home and at work.

How are these points significant for understanding masculinity and law? The processes of gendered identity formation as a successful male lawyer and family man cannot be understood in terms of a simple dualism between ideas of "new" and "old" models of fatherhood—or, indeed, a simple binary between a breadwinner masculinity and an engaged model of fathering.⁹⁹ Rather, it is necessary to understand how complex ideas about masculinity and parenthood interconnect with men's everyday family practices in specific, situated contexts—and, for these male lawyers in particular, how culturally specific ideas about their lawyer lifestyle and social status, about class, consumption, and career success as a man shape their fathering practices in distinctive ways.¹⁰⁰

The research project suggests that—far from deploying a unitary concept of the masculinity of law, whether or not it is to be conceptualized as hegemonic—contextually located identities emerge as men make transitions between different social spaces around the law firm and as they perform gender identities within different situated settings.¹⁰¹ It is in the nature of this transition that a friction emerges for some men between, on the one hand, their everyday experience of interconnected, affective family relationships¹⁰² set in the context of the new cultural representation, normative expectations, and legal frameworks around fatherhood discussed above; and, on the other, the considerable temporal, spatial, and emotional demands of their job as a relatively high-paid City lawyer—tensions that can lead to potential problems for those men who do wish to assume greater caring roles at particular moments in the life course.¹⁰³

For those men for whom these tensions appear insurmountable, the research here supports the findings of other studies in suggesting that some men, as well as women, leave this sector of the profession, moving to smaller

⁹⁹ See, e.g., COLLIER & SHELDON, *supra* note 63, at 8–9.

¹⁰⁰ See COLLIER, "Please Send Me Evenings and Weekends", *supra* note 11, at 152–53.

¹⁰¹ See VICTORIA ROBINSON & JENNY HOCKEY, MASCULINITIES IN TRANSITION 4, 7–10 (2011) (outlining their study conducted on men evaluating gender roles in the workplace within various professions). On the idea of situated fathering see SITUATED FATHERING: A FOCUS ON PHYSICAL AND SOCIAL SPACES 4, 7–13 (William Marsiglio et al. eds., 2005).

¹⁰² On the concept of family practices see generally DAVID H. J. MORGAN, FAMILY CONNECTIONS: AN INTRODUCTION TO FAMILY STUDIES 1–40 (1996).

¹⁰³ See DOUCET, *supra* note 51, at 6, 8.

firms or to work as in-house attorneys, or else leave the profession entirely, citing work-life balance as a factor in their decision. However, it is important to recognize how perceptions of problems in this area may well “bite” for men in the legal profession in ways that are different to women—precisely as their aspirations, practices, and experiences change during the life course.¹⁰⁴ More specifically, for men, this is not necessarily at the point of early parenthood where, for many in law firms at least, the transition to fatherhood may appear relatively seamless.¹⁰⁵ It is, rather, in other contexts, and often in later life, that a rebalancing of the rewards of the deal with what may appear to have been lost shifts perceptions of this issue. In this regard, not just having children, but experiencing personal or family illness, depression, bereavement, relationship difficulties, separation, and general work dissatisfaction were each seen within interviews as potential key prompts for such reflection on the part of men. Significantly perhaps, given the cohort attributes of those entering and seeking to succeed in this part of the profession, special importance was also attached to uncertainty and doubt around the prospects of eventual promotion to partnership. Two comments from human resources directors are particularly revealing in this regard. The first manager reported, “Men don’t think about it at the time . . . but when the kids have gone . . . that’s when they think about it, and about what they wish they’d done differently.”¹⁰⁶ The second manager recounted, “Men are very focused . . . it’s not ‘til they get to forty-five, fifty to where they want to be, and then they start thinking . . . whereas women reflect throughout . . . they [men] play catch up later.”¹⁰⁷

In light of the above, it is, at the very least, too simplistic to say aspects of legal cultures and practices are masculine without noting how, in this context, the very meanings of masculinity has itself changed. This is an issue, I shall argue in the following section, with significant implications for developing a more nuanced understanding of law as a masculine profession.

2. *Transnational Business Masculinities*

It is at this point—echoing Jeff Hearn’s observation that it is men who, or which, are far more hegemonic than masculinity¹⁰⁸—that the concept of transnational business masculinities, as it has developed within recent sociological work, offers some intriguing insights into both the nature of these changes for law firms and the changing nature of the large law firm itself as a transnational

¹⁰⁴ One partner observed, in questioning the gender-neutral approach of his firm:

I’ve had an epiphany about this recently. As an employment lawyer you are brought up to think men and women are the same . . . and actually they are so so different. We are beginning to recognise you have to treat them differently, they both have a huge amount of positives.

See Interview with Human Resources Manager, SLSA Study, 2011, *supra* note 11, in London, England (2011) (on file with author).

¹⁰⁵ See Thornton & Bagust, *supra* note 23, at 784.

¹⁰⁶ Interview with Human Resources Manager, SLSA Study, 2011, *supra* note 11, in London, England (2011) (on file with author).

¹⁰⁷ Interview with Human Resources Manager, SLSA Study, 2011, *supra* note 11, in London, England (2011) (on file with author).

¹⁰⁸ Hearn, *supra* note 2, at 59–61.

gendered organization.¹⁰⁹ As advanced by the masculinity scholars Raewyn Connell and James Messerschmidt, initially as part of their rethinking and broad defense of the concept of hegemonic masculinity, this concept has been used to describe “a new form of masculinity” that, recent empirical and theoretical studies of men suggest, has emerged among globally mobile managers and businessmen.¹¹⁰ This is a group that is personified, in certain respects, by the transnational City corporate lawyer. Such a model of masculinity is “marked by increasing egocentrism, very conditional loyalties (even to the corporation), and a declining sense of responsibility for others (except for purposes of image-making).”¹¹¹ Diverse aspects of the cultures of large law firms, as discussed above, would thus appear to be inflected by the seemingly ubiquitous presence of just such a form of business masculinity, a masculinity marked by certain characteristics—not least an overarching competitive individualism—that broadly align with the contemporary corporate “lawyer lifestyle” described in the project. In addition, it is a model of masculinity that would appear to mesh well with the pyramidal organizational structure of career progression and the competitive culture of “up or out” within large law firms.¹¹²

Meanwhile, in understanding the process of change in gender relations, this form of business masculinity is seen as differing in significant ways from the traditional bourgeois models of masculinity that, it has been argued, marked the cultures of law at earlier historical periods (what has been described as a form of “clubbable” governance of solicitors, a kind of regulation “of chaps, by chaps”).¹¹³ It chimes, in particular, with the now familiar reading of historical change in the legal profession in the UK that has charted a move away from a model of the male “lawyer as gentlemen” and of law as a public service,¹¹⁴ to

¹⁰⁹ On the idea of transnational men, see JEFF HEARN, *RETHINKING TRANSNATIONAL MEN* (Jeff Hearn, Marina Blagojevic & Katherine Harrison eds., forthcoming May 2013).

¹¹⁰ Connell & Messerschmidt, *supra* note 10, at 833.

¹¹¹ CONNELL, *THE MEN AND THE BOYS*, *supra* note 9, at 52; *see also* ASHE, *supra* note 6, at 149–50.

¹¹² *See* ROBERT G. LEE, *FIRM VIEWS: WORK OF AND WORK IN THE LARGEST LAW FIRMS* 48–49 (1999); Robert G. Lee, “Up or Out”—Means or Ends? *Staff Retention in Large Firms*, in *DISCRIMINATING LAWYERS* 183, 185 (Philip Thomas ed., 2000); *see also* GALANTER & PALAY, *supra* note 59, at 11 n.35.

¹¹³ I am grateful to Avrom Sherr for this phrase. Avrom Sherr, Woolf Professor of Legal Education and Director on Sabbatical at the Institute of Advanced Legal Studies, Presentation at the International Working Group for Comparative Studies of Legal Professions Conference in Bonn, Germany: The Legal Services Act, New Regulation Approaches and Alternative Business Structures in England and Wales (July 2, 2012).

¹¹⁴ *See* Michael Burrage, *From a Gentlemen’s to a Public Profession: Status and Politics in the History of English Solicitors*, 3 *INT’L J. LEGAL PROF.* 45, 49 (1996); *see also* Stephen Ackroyd & Daniel Muzio, *The Reconstructed Professional Firm: Explaining Change in English Legal Practices*, 28 *ORG. STUD.* 729, 730 (2007); Daniel Muzio, *The Professional Project and the Contemporary Re-Organisation of the Legal Profession in England and Wales*, 11 *INT’L J. LEGAL PROF.* 33, 34 (2004). *See also* THE FORMATION OF PROFESSIONS: KNOWLEDGE, STATE AND STRATEGY 189–90 (Rolf Torstendahl & Michael Burrage eds., 1990); HANLON, *supra* note 59, at 1–5 (suggesting that the transition to a global market has drastically changed professionals’ relationships with their clients); Daniel Muzio, Stephen Ackroyd, & Jean-François Chanlat, *Introduction to REDIRECTIONS IN THE STUDY OF EXPERT LABOUR: ESTABLISHED PROFESSIONS AND NEW EXPERT OCCUPATIONS* 1, 10–12 (Daniel Muzio, Stephen Ackroyd, & Jean-François Chanlat eds., 2008); Gerard Hanlon, *Profession-*

the more fragmented, entrepreneurial, hyper-competitive, and increasingly commercial profession of today,¹¹⁵ a profession in which—alongside the opening out of the supply side aligned with the rise of diversity, equality, and access discourses—a dominant form of transnational business masculinity would appear, in turn, to have replaced earlier models of bourgeois masculinity embedded more in local organizations.¹¹⁶

When placed in this broader context, a reconstitution of a dominant form of masculinity in law can be seen as aligned with, on the one hand, the processes of gendered segmentation, hyper-competition and, in some accounts, “remasculinization” of law; and, on the other, and at the same time, the more progressive readings of a reshaping of masculinity that are broadly in line with the gender transformation of the supply side, the formal acceptance of gender equality discourses, and the new cultures around fatherhood and work-life balance. Thus, Sommerlad observes, the emergence of an explicitly commercial professional paradigm (within both legal practice and legal education) is itself marked by a reinforcing of technocratic modes of control that has required the “shift from a profession overtly based on traditional status categories and the use of mechanisms of patronage to effect professional closure, to one which espouses meritocratic, economically rational practices.”¹¹⁷

What does this discussion mean, however, for understanding the masculinity of the legal profession? The social changes outlined earlier in this Article suggest it would nonetheless be erroneous to assume that the lives of these male lawyers are somehow immune from the tensions, contradictions, and fissures that surround contemporary ideas of fatherhood and masculinity.¹¹⁸ In particular, this research suggests far more may be happening under the surface—both organizationally and experientially/emotionally—than the idea of transnational business masculinities would allow for by itself. With regard to fatherhood, the project suggests, for example, that personal commitments to an idea of active, intimate, engaged fathering, to being a “good dad,” co-exist, at

alism as Enterprise: Service Class Politics and the Redefinition of Professionalism, 32 Soc. 43, 48–50 (1998); Daniel Muzio & Stephen Ackroyd, *Change in the Legal Profession: Professional Agency and the Legal Labour Process*, in REDIRECTIONS IN THE STUDY OF EXPERT LABOUR: ESTABLISHED PROFESSIONS AND NEW EXPERT OCCUPATIONS, *supra*, at 31, 31–35. On this decline of law as public service in the name of business within the American context see generally MARY ANN GLENDON, *A NATION UNDER LAWYERS: HOW THE CRISIS IN THE LEGAL PROFESSION IS TRANSFORMING AMERICAN SOCIETY* (1994); ANTHONY T. KRONMAN, *THE LOST LAWYER: FAILING IDEALS OF THE LEGAL PROFESSION* 2–3 (1993).

¹¹⁵ See sources cited *supra* note 39. See also Julian Webb, *Turf Wars and Market Control: Competition and Complexity in the Market for Legal Services*, 11 INT’L J. LEGAL PROF. 81, 87 (2004).

¹¹⁶ Connell & Messerschmidt, *supra* note 10, at 849; see also ASHE, *supra* note 6, at 150.

¹¹⁷ Sommerlad, *Professional Identity Formation*, *supra* note 18, at 192.

¹¹⁸ What this reading has shown, for example, is that discussion of masculinities in the legal profession must be situated within specific socio-cultural and economic contexts. Certainly, much of the literature on men, gender, and employment has tended to focus on social, political and cultural consequences of the collapse of traditional “working-class” male jobs. However, a rich literature suggests many middle-class men have been profoundly challenged by these reconfigurations of gender in the workforce allied to the professional restructuring discussed above.

times uneasily, with recognition of the inevitability of heightened workplace pressures in the contemporary legal profession.

When placed in the context of the globalization of business life and emergence of new global elites, the rise of the transnational elite law firm—as a result of the restructuring, merger, and expansion of firms as transnational organizations—can itself be seen as a gendered process, a process beset by several contradictions and tensions. For example, there appear tensions (1) within the ideas about men that circulate in equality and diversity debates in law firms, not least in terms of beliefs about breadwinner and intimate fatherhood, (2) in understandings of the possibilities and limits of law’s potential to produce “reflexive identity transformation of both the profession and the individual entrant [to law]”¹¹⁹ and (3) between progressive—or depending on position, regressive—notions of masculinity, readings of men and gender that, on the one hand, would emphasize the transformative potential of men’s agency, the weakening of social stratification in law, and the embrace of new ideologies (such as the “hands on” dad) resulting from the diversification of the profession’s supply side; and, on the other, a picture in which “existing power relations are maintained through [the legal profession’s] *adaptation* to historical change,”¹²⁰ the narrative of a “remasculinization” of the legal profession. Thus, as Thornton and Bagust note:

[T]here appears to be [in law firms] a total disjuncture between flexible work practices and competition policy, which is obscured by workaholism. In light of this reality, one must question how women can ever be accepted as equals within the jurisprudential community in light of the limited success in encouraging men to focus less on their careers in order to take greater responsibility for caring for children and elderly relatives. The centrality of the normative worker as both full-time and male seems to be almost impossible to dislodge.¹²¹

With such heterogeneity in mind, the research project supports the suggestion of Connell and Wood, that there is no one model of participating in transnational legal business just as there is no one model of a transnational business masculinity or gender order imposed on the large law firm.¹²² Law firms, rather, interact with a range of discourses around gender within particular transnational, national, and local settings, each producing distinctive configurations of gender. Significant variation was observed in these interviews, for example, between the gender equality discourses at play in the home base of the firm (in the City of London) and other national/global offices, as well as between UK-based and other law firms, and between the legal and other fields of professional practice.¹²³ In talking of masculinity in law firms, it cannot be assumed that we are necessarily talking about the same thing.

¹¹⁹ Sommerlad, *Professional Identity Formation*, *supra* note 18, at 193.

¹²⁰ *Id.*

¹²¹ Thornton & Bagust, *supra* note 23, at 804–05.

¹²² Connell & Wood, *supra* note 91, at 362–63.

¹²³ As one partner observed:

For me one of the interesting things is this isn’t all about law firms, we are within a financial service environment, we work with investment banks, and there is this culture of working very long hours, and there is a sense in a law firm if we don’t play along with that, there are others that will, and . . . so there are issues around the extent to which it is inevitable and you could actually create a different model? . . . and then there is the American influence, well, they are ten

IV. CONCLUSION

I have argued in this Article that taking men *as men* seriously in the context of work-life debates in the legal profession entails paying attention to the contested nature of the ideas of both masculinity and fatherhood that can circulate within law firms. These ideas are themselves mediated by class, race, ethnicity, and sexuality in complex ways—notably, the inescapably interconnected nature of men's and women's family practices. In looking to the development of future gender research on men in law firms and by way of conclusion, this research suggests law and society scholarship on men and masculinities in this area has the potential to operate at four discrete levels.¹²⁴

First, at the level of the *transnational* global arena in which these large law firms now operate, whereby legal business is frequently international in nature and many male lawyers in such firms, particularly within departments such as mergers and acquisitions, routinely engage in significant amounts of overseas travel.¹²⁵ This raises questions about the interconnections between masculinity, class, race, and ethnicity in the reproduction of new global elites,¹²⁶ the seductions, pleasures, and rewards of work as a lawyer,¹²⁷ and how the formation of transnational hegemonic business masculinities relates to

times worse than we are . . . it is very different, I mean, they don't do holidays, there is an assumption you'll work through your holidays . . . people think they work hard here, but you'll work harder there. *You give up your life to them.*

See Interview with Law Firm Partner, SLSA Study, 2011, *supra* note 11, in London, England (2011) (on file with author) (emphasis added). For discussion of other non-gender aspects of international law firms, see generally J. V. Beaverstock et al., *The Long Arm of the Law: London's Law Firms in a Globalising World Economy*, 31 ENV'T & PLAN. A 1857 (1999); James R. Faulconbridge, *Negotiating Cultures of Work in Transnational Law Firms*, 8 J. ECON. GEOGRAPHY 497 (2008); James Faulconbridge & Daniel Muzio, *Organizational Professionalism in Globalizing Law Firms*, 22 WORK, EMP. & SOC'Y 7 (2008); Debora L. Spar, *Lawyers Abroad: The Internationalization of Legal Practice*, 39 CAL. MGMT. REV. 8, 14–19 (1997); see also Carole Silver, *The Case of the Foreign Lawyer: Internationalizing the U.S. Legal Profession*, 25 FORDHAM INT'L L.J. 1039 (2001) (discussing the recent experience of foreign lawyers entering the U.S. legal market to practice).

¹²⁴ Here drawing on the work of Connell & Messerschmidt, *supra* note 10, at 847; see also Connell & Wood, *supra* note 91, at 361.

¹²⁵ The issue of travel and mobility of legal professionals itself opens up a rich field of research “especially when we consider how expensive technologies—computer systems, global air travel, secure communications—amplify the physical powers of elite men's bodies.” Connell & Messerschmidt, *supra* note 10, at 852; accord Jeff Hearn et al., “Women Home and Away”: *Transnational Managerial Work and Gender Relations*, 83 J. BUS. ETHICS 41, 41–42 (2008).

¹²⁶ See, e.g., Kath Hall, Associate Professor at the Australian National University College of Law, Presentation at the International Working Group for Comparative Studies of Legal Professions Conference in Bonn, Germany: Lawyers as Global Elites (July 2, 2012).

¹²⁷ See COLLIER, “Read What the Law Firms Say”: *Gender and the Representation of Career Success in the Contemporary Legal Profession*, in MEN, LAW AND GENDER, *supra* note 1, at 95, 95–127; Richard Collier, “Be Smart, Be Successful, Be Yourself . . .”: *Representations of the Training Contract and Trainee Solicitor in Advertising by Large Law Firms*, 12 INT'L J. LEGAL PROF. 51, 51–52 (2005).

issues that are arising at the interface of urban sociology, consumption, global elites, and lifestyle studies.¹²⁸

Second, critical analysis of men's practices must engage with the regional/local level of the specific cultures that are present within the law firm itself, where marked differences, as well as continuities, can exist, for example, between men's experiences mediated by their level of seniority, practice area/department, and position in the firm, as well as by the cultures of working hours that exist within and between law firms in terms of their geographical location. These cultural differences have potentially significant implications for understanding how men in law—within an increasingly globalized, transnational profession—then perceive an acceptable balance between their work and family lives, and as they move between different spatial contexts in the profession, as well as between work and home.

Third, it is important to reconsider men's practices at the level of the interpersonal "everyday" nature of lawyer's lives in these law firms. This involves questions of their work and interactions shaped not just by the nature of the legal work undertaken by the firm, its size, organizational structure, dominant culture, and so forth, but also by such contingent factors as (1) the degree of infrastructural support available for flexible and remote working, and (2) the extent to which equality, diversity, and flexible working policies have developed, and how they are supported and experienced by men and women, and given meaning, "on the ground."

Fourth, and finally, it is necessary to explore the potential for legal studies of gender research on men at the level of the individual.¹²⁹ This might encompass, for example, questions of a man's "bodily reflex practices," of individual biography/background, of a man's particular family practices, and the relationship male solicitors have, not just with each other and their clients and business support workers but also, depending on scope, their partners, children, families, and wider friendship networks. It concerns the movement and flow of men's bodies as male lawyers move within and between social spaces—for example, between their work and office, home base, and overseas.¹³⁰

Research on gender and the legal profession has much to gain from a closer and more nuanced engagement with the critical study of men and masculinities. Such work has the potential to add significantly to understandings of how the gender regimes of transnational law firms connect to a global gender order and the emergence of new global elites. This involves questions of how gender politics can itself interact with international trade and global markets¹³¹ and how the gender regime of a specific law firm can connect to this global gender order. Further, taking men and masculinity seriously in this context casts an intriguing light on how—within the local setting of a specific law firm

¹²⁸ See COLLIER, "Please Send Me Evenings and Weekends", *supra* note 11, at 152–94. It is also important to note in this context links with the globalization of legal education itself. James R. Faulconbridge & Daniel Muzio, *Legal Education, Globalization, and Cultures of Professional Practice*, 22 GEO. J. LEGAL ETHICS 1335, 1337 (2009).

¹²⁹ See Connell & Messerschmidt, *supra* note 10, at 841–42.

¹³⁰ See, e.g., Hearn et al., *supra* note 125, at 52 (discussing transnational managers).

¹³¹ See R. W. Connell, *Globalization, Imperialism, and Masculinities*, in HANDBOOK OF STUDIES ON MEN & MASCULINITIES, *supra* note 9, at 71, 71–72.

and grounded within the national and international context in which they operate—gender relations can themselves be remade, reproduced, and resisted in ways that may serve to simultaneously reinforce and yet also challenge traditional understandings of law as a masculine profession.

Finally, the study of senior managers in law firms—still overwhelmingly men—is especially necessary to understand how the hegemony of men is reproduced in law and how these processes of gender identity formation, and of the legal career as a mobility project, are shifting within the global context of neo-liberal political and economic restructuring. The importance of these senior male managers within the legal profession is considerable in understanding the formation and reproduction of new gender orders, both within a specific organization in the field of law (such as the particular elite corporate law firm) and across the profession more generally, noting the wider cultural significance of these firms within a now marketized system of legal education in the UK.

Such men, I have argued, have seldom been seen as men. Yet by exploring the hegemony of men in law, it might become possible to identify the processes whereby certain distinctions and categorizations are made between different forms of men and men's practices in relation to women, children, and other men.¹³² Looking to everyday ordinary social practices around fathering, for example, I argue that what can be seen from such a study are the contradictory, and at times paradoxical, meanings that attach to masculinities. A deeper understanding of the masculinity of law might thus itself connect to debates about organizational efficiency and the business case for equality in the profession, to pressing questions about retention, recruitment, well-being, and job satisfaction—a point encapsulated in the words of one partner:

I'm certainly not going to advise any of my children to go into law. The financial rewards no longer justify the lifestyle or the hours, no way. In terms of flexibility it makes much more sense to go into accountancy. There are some people who choose law because they love it. They tend not to be the ones who choose commercial law firms however. I think something else is motivating us.¹³³

It is imperative that the legal profession looks beyond, and challenges, the still-dominant perception that questions of work-life balance in law raises issues primarily about women's and not about men's personal lives. Complex shifts are taking place in the legal profession that reflect deep-seated demographic, cultural, economic, and political transformations. These are changes that may well appear "under the radar." They are often unspoken. They are, however, potentially transforming the lives of men, women, and children and, with it, understandings of career success and well-being in law firms.

¹³² See Connell & Messerschmidt, *supra* note 10, at 848.

¹³³ Interview with Human Resources Manager, SLSA Study, 2011, *supra* note 11, in London, England (2011) (on file with author).