A precursor to identity regulation?

Recruitment, Cultural Capital and Symbolic Violence

in Global law firms

Dr Andy Cook and Dr James Falconbridge

Lancaster University

Dr Daniel Muzio

University of Leeds

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Andy Cook, James Faulconbridge, and Daniel Muzio
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Andy Cook is a Postdoctoral Researcher at the Lancaster Environment Centre.
ancook3@lancs.ac.uk

James Faulconbridge is a Senior Lecturer in Economic Geography at the Lancaster
Environment Centre.
j.faulconbridge@lancaster.ac.uk

Daniel Muzio is a Senior Lecturer in Employment Relations at Leeds University
Business School.
dm@lubs.leeds.ac.uk

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Centre for Employment Relations, Innovation and Change
Leeds University Business School
Maurice Keyworth Building
The University of Leeds
Leeds LS2 9JT
United Kingdom
+44 (0)113 343 6321
icg@lubs.leeds.ac.uk
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Abstract

This paper examines the overlooked role of recruitment in conceptual understandings of processes of identity regulation in global professional service firms (PSFs), focusing upon the global legal services sector. Through analyses of original empirical material from interviews, documentary analysis and a survey of lawyers’ educational backgrounds, we argue that Pierre Bourdieu’s concepts of symbolic violence and multiple forms of capital provide a potentially fertile framework for developing a critical understanding of recruitment practices in global PSFs. We suggest that one of the main roles of the recruitment process is to minimise the effects of symbolic violence on individuals post-recruitment, as well as maximising the impact of identity regulation that remains necessary. The recruitment practices studied, also, albeit unintentionally, lead to the reproduction of a relatively homogenous profession in terms of educational background, an issue of importance given recent efforts made by the firms in terms of increasing accessibility and diversity with the sector. We conclude by suggesting that further longitudinal studies of recruitment practices are required to more fully understand the role of recruitment in the (re)production of professional identities.
1. Introduction

Debates about what it means ‘to be (a) professional’ in knowledge-intensive and professional service firms (PSFs) are now well developed, highlighting the importance of the acquisition of a specific identity and set of dispositions and practices (see Alvesson and Willmott, 2002; Alvesson et al., 2008; Anderson-Gough et al., 1998, 2002; Dent and Whitehead, 2002; Grey, 1998; Hodgson 2002, 2005; Knights and McCabe, 2003). It is to these debates that this paper contributes by focussing on the hereto understudied role of recruitment processes in the management of professional identities and performances. Specifically, the research presented here argues that the recruitment practices of global top-10 (T-10) law firms act as precursors to processes of what Alvesson and Willmott (2002, 625) call identity regulation - “the more or less intentional effects of social practices upon processes of identity construction and reconstruction”. We contend that such precursor processes help reproduce particular understandings of what ‘being professional’ entails and can be thought of as techniques designed to recruit individuals that require minimal levels of what Bourdieu and Passeron (1977[1970]) and Bourdieu and Wacquant (1992) call ‘symbolic violence’ – the process of subjecting individuals to forms of social manipulation by raising awareness of both ‘suitable’ and ‘unsuitable’ values and behaviours. Specifically we suggest that minimising the need for symbolic violence also means minimising the need for and success of identity regulation that reforms individual norms, values, dispositions and practices to fit T-10 law firms’ models of ‘being professional’. The rest of the paper develops this argument as follows.

The next section considers existing debates about identity regulation and the meaning of ‘being professional’ and how these can be advanced by considerations of recruitment processes as precursors to the types of regulation and professional identity formation documented in existing literatures. The following section then provides a theoretical discussion outlining the contribution to our argument of Bourdieu’s notions of cultural capital (1984, 1985, 1998[1989]) and symbolic violence. The second half of the paper then explores the recruitment processes used by the English offices of T-10 global law firms and assess the objectified, institutionalised and embodied cultural capital of potential new recruits. The paper concludes by considering the implications of selection based on cultural capital for debates about identity regulation, but also potential contributions to debates about diversity and equality in the professions.

2. ‘Being Professional’ and knowledge intensive PSFs

Over the past fifteen years, it has been increasingly recognised that professionalism is more than a matter of formal credentials and qualifications (see Covaleski et al., 1998; Dent and Whitehead, 2002; Grey, 1998). For example, Anderson-Gough et al. (2002) highlight how professional conduct (sets of accepted and legitimised practices and ways of behaving) is as important as competency in defining the contemporary
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professional. ‘Being professional’, entails, then, the adoption of a particular physical appearance, certain presentational strategies (Goffman 1959) and related practices such as efficient time-keeping, commitment and dedication manifested in (often unpaid) overtime and weekend working (see also Anderson-Gough et al. 2000). Table 1 provides examples of how such forms of ‘being professional’ have been noted in a range of studies.

Table 1. Ideal-type models of ‘being professional’ in different contexts

<table>
<thead>
<tr>
<th>Public sector professionalism</th>
<th>Conduct: Masculine, authoritative, commercially minded Bodies: Designer clothes, smart presentation, toned and ‘in shape’ body</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Rumens &amp; Kerfoot, 2009)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Accounting firm professionalism</th>
<th>Conduct: Conscientious and self control, teamwork and sociality, endurance and commitment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Kosmala and Herrbach, 2006)</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Military professionalism</th>
<th>Conduct: Machismo-ism and tough, control and excellence in day-to-day work</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Thornborrow and Brown, 2009)</td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Management consultancy</th>
<th>Conduct: Thorough-ness, conscientiousness, proactivity, dedication to high levels of performance, teamwork</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Hodgson, 2005)</td>
<td></td>
</tr>
</tbody>
</table>

Crucial to understanding what ‘being a professional’ entails is an understanding of the ways in which conduct is regulated, increasingly by the firm employing professionals (see Covaleski et al., 1998; Grey, 1998) through a variety of discursive practices that Alvesson and Wilmott (2002) refer to as identity regulation techniques. As Kärreman and Alvesson (2009, 1117) suggest, “management in knowledge intensive firms tends to pay more attention to the regulation of ideas, beliefs, values and identities of employees than most other organizations. The subjectivity of employees becomes highly central. To produce individuals with the right mindset and motivation becomes a more vital part of the total apparatus of control mechanisms and practices than is the case for other organizations”. Consequently, according to Alvesson and Wilmott (2002), a number of different but interrelated strategies of identity regulation, as summarised in Table 2, are central to the production of the 21st century professional persona. Through discursive processes of normalisation and subjectification (Foucault, 1983), individuals learn what it means to ‘be professional’ in a particular context and internalize particular, sometimes firm-specific understandings of ‘who professionals are and how they should act’, understandings that often come into conflict with individuals’ existing understandings of what it means to be professional (see Dent, 2003; Hodgson, 2005; Kosmala, 2006).
Table 2. Strategies of identity regulation and their impacts on identity and cultures of work.

<table>
<thead>
<tr>
<th>Discursive strategy</th>
<th>Language games and Impacts on identity and cultures of work</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Defining the person directly</strong></td>
<td>The characteristics desired of the ‘ideal employee’ are explicitly stated.</td>
</tr>
<tr>
<td><strong>Defining a person by defining others</strong></td>
<td>An individual or groups is compared to others who represent ‘ideal’ cultures of work</td>
</tr>
<tr>
<td><strong>Providing a vocabulary of motives</strong></td>
<td>A language is created to identify and help individuals interpret the ‘ideal’ culture sought</td>
</tr>
<tr>
<td><strong>Explicating morals and values</strong></td>
<td>Values are espoused, often via stories and by comparison to those values deemed unacceptable, to help workers orientate themselves towards ‘ideal’ cultures</td>
</tr>
<tr>
<td><strong>Knowledge and skills</strong></td>
<td>Education and training as ways of instilling the competencies needed to perform in line with ‘ideal’ cultures</td>
</tr>
<tr>
<td><strong>Group categorization and affiliation</strong></td>
<td>Dividing up the world into ‘us’ and our identity and ‘them’ and their alterity</td>
</tr>
<tr>
<td><strong>Hierarchical location</strong></td>
<td>Praising individuals and groups that reflect the culture and values of the firm</td>
</tr>
<tr>
<td><strong>Establishing and clarifying the rules of the game</strong></td>
<td>Laying out the ‘norms’ of how things are done in an explicit fashion</td>
</tr>
<tr>
<td><strong>Defining the context</strong></td>
<td>Stating clearly the conditions that are sought in the firm and expectations about how workers align themselves to this context</td>
</tr>
</tbody>
</table>

Source: Based on Alvesson and Willmott (2002).

In this paper we examine the role of recruitment processes as precursors to, and as potentially part of a broader set of strategies associated with, forms of identity regulation that seek produce what are deemed to be ‘suitable’ professional personas. Whilst there is an expansive literature on recruitment and selection processes (e.g. Chatman, 1991; Judge and Ferris, 1992; Swart and Kinnie, 2003), much of which acknowledges the importance of cultural fit, to date the way recruitment is designed to support and enhance identity regulation processes that occur once new recruits join PSFs, and the way this helps (re)produce certain forms of professional persona, has received limited attention. One notable exception exists in the shape of work by Anderson-Gough et al. (1998a) which, as part of a wider analysis of the way new accountants’ identities are shaped by their employing organizations, considers the
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role of ‘anticipatory socialization’ whereby recruitment brochures generate self-selection, meaning that only individuals who buy into the firm’s understanding of professional identity apply for employment. Anderson-Gough et al. (1998a) also consider the role of the ‘encounter’ as part of interviews and the way experiences during recruitment begin the process of identity regulation, helping new recruits learn about the firm’s culture and understanding of professional identity. Here we draw on and develop the insights provided by Anderson-Gough et al. (1998a) by using Bourdieu’s (1984, 1985, 1998[1989]) notion of cultural capital to explore in more detail the mechanisms through which recruitment processes identify individuals likely to fit with a firm’s understanding of ‘being professional’, something which in turn may minimize the amount of identity regulation needed once an individual enters the workplace.

3. Cultural capital, symbolic violence and the recruitment process

Bourdieu’s (1984, 1985, 1998[1989]) conceptualisation of capital as existing in multiple forms – the economic, the social, the symbolic and the cultural - has had a profound influence upon research into the sociologies of education (DiMaggio 1982; Lareau 1987), class (Savage and Bennett 2005; Skeggs 2004; Wright 2009) and work (Willis 1977). Key to Bourdieu’s argument is the idea that linkages between the multiple forms of capital generate an overall capital ‘assemblage’ that defines an individual’s persona and membership in particular groups and social spaces (see Table 3).

Table 3. Bourdieu’s understanding of an individual’s capital assemblage

<table>
<thead>
<tr>
<th>Capital</th>
<th>Conceptualisation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Economic</strong></td>
<td>Similar to Marxist understandings of capital, consists of income, material wealth, financial inheritance and assets such as property or land.</td>
</tr>
<tr>
<td><strong>Social</strong></td>
<td>Consists of an individual’s social networks and connections, friendships and the membership of groups and societies that perform ‘networking’ functions.</td>
</tr>
<tr>
<td><strong>Cultural</strong></td>
<td>Consists of cultural experiences, lifestyle, taste and education, amongst other things that are inculcated through direct experience, familial and kinships groups and other institutional fixes such as schools and universities.</td>
</tr>
</tbody>
</table>

Source: Based upon Bourdieu (1984, 1985, 1986)

According to Bourdieu (1989 [1998]), in certain situations, for example when seeking a job, possession of certain types of capital as part of one’s personal ‘assemblage’ gives an individual an advantage. In particular certain types of social capital have
been shown to help an individual secure an interview or even a job whilst certain types of cultural capital helps an individual to ‘fit in’ in particular spaces of employment, such as the ‘old boys club’ in the City of London (Augar, 2001). The argument we want to develop here is that the types of capital described by Bourdieu play a role in determining who is recruited by knowledge-intensive and PSFs, the possession of particular types of cultural capital being focussed upon because they are believed to minimise the need for and success of workplace identity regulation designed to produce ‘ideal’ professional personas.

Bourdieu (1986) helps explain why particular types of cultural capital might be assessed and seen as important by recruiters in PSFs by further breaking down cultural capital into, (i) the embodied state (the dispositions of mind and body), (ii) the objectified state (cultural goods preferred and displayed) and, (iii) the institutionalised state (educational qualifications, formal group memberships). All three of the states discussed by Bourdieu (1986) relate to embodied and cognitive cultural dispositions and signify the possession of both a persona that legitimates membership into particular groups and spaces and an understanding of cultural norms and values associated with particular ways of (professional) being. Specifically, institutional capital in the guise of formal education is about much more than possessing expert academic knowledge that is directly applicable in a professional context. Rather the educational institution in question is seen as a proxy for possessing, or not, certain ‘ways of being’ and understandings of related behaviours and practices. As Bourdieu (1984, 25, original emphasis) notes, most important is:

“...the tacit definition of the academic qualification...formally guaranteeing a specific competence [is] that it really guarantees possession of a ‘general culture’ whose breadth is [seen as] proportionate to the prestige of the qualification”

So the possession of a particular institutionalised capital is in and of itself a marker of the possession of a wider set of capitals and states that are also likely to shape an individual’s (professional) identity, predispositions and ultimately behaviours. So, as Bourdieu (1984, 23) goes on to note:

“...academic capital is in fact the guaranteed product of the combined effects of cultural transmission by the family and cultural transmission by the school [or university] (the efficiency of which depends on the amount of cultural capital directly inherited from the family). Through its value-inculcating and value imposing operations, the school also helps ... to form a general, transposable disposition towards legitimate culture, which is first acquired with respect to scholastically recognized knowledge and practices but tends to be applied beyond the bounds of the curriculum, taking the form of a ‘disinterested’ propensity to accumulate experience and knowledge which may not be directly profitable in the academic market”.

In other words, in the case of institutionalised capital, certain educational institutions act as fixing ground for softer embodied skills and dispositions – i.e. a wide range of forms of cultural capital - that cannot be reduced to a formal qualification and which often stem from particular types of economic and social capital developed during and
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prior to life at university. The same is true for those who possess particular types of embodied and objectified cultural capital, capitals gained through a process which is experiential, often hereditary and strongly linked to family background - with factors such as parents’ occupations, hobbies, interests and the like acting as particularly important sources of cultural capital (McPhail et al 2010; Willis 1977).

Together the multiple processes by which forms (and sub-forms) of capital and state emerge produce an individual’s habitus (Bourdieu 1984) with, we argue, PSFs seeking to recruit individuals possessing a particular habitus that lends itself to legitimate ways of ‘being professional’. Specifically we argue below that the possession of three specific types of embodied, objectified and institutionalised cultural capital are assessed in the recruitment processes of the T-10 law firms’ and considered as closely related to an individual’s ability to ‘be professional’ in the way preferred by the firm (see Bourdieu 1998 [1989]; Guzman and Stanton 2009 on such selectivity based on cultural capital). As such, we suggest that attempts are being made by firms in recruitment processes to make what might be legitimised as objective judgements about a candidate’s ‘fit’ – i.e. judgements about whether a candidate has the skills to ‘succeed’ in the organisation – but which are actually based on collective assumptions about the links between particular types of cultural capital and the ability of an individual to perform as a professional. For Hanlon (2004) such judgements are a result of the way PSFs prioritize homology in their recruitment practices. Because of the autonomy granted to employees in PSFs (on which see Freidson, 2001; Raelin, 1991), trust is essential to organizational control and coordination. Homology in the workforce – the existence of shared moral codes, ways of behaving, dispositions and norms that bind individuals together as the same ‘type’ of professional and ‘one of us’ – is seen as vital in engendering such trust, whilst proximity or familiarity with the symbols, conventions and dispositions of leading elites suggests the ability to develop and exploit both external and internal networks. These perceived advantages explain, in turn, the desire of firms to recruit individuals who possess particular types of cultural capital. We contend that the use of assessments of cultural capital by firms in the recruitment process is part of attempts to ensure homology, allowing assessments of whether an individual is ‘one of us’ in terms of professional persona through the proxy indicator of possession of particular types of capital.

Moreover, from the perspective of PSFs, the logic for assessing cultural capital as part of recruitment processes lies in the acknowledged difficulties of replacing existing forms with new forms of cultural capital, i.e. the difficulties of changing an individual’s identity so that they can ‘be professional’ in a way deemed appropriate by the firm. Re-forming the cultural capital of an individual is said to hinge upon the notion of symbolic violence, “...[a] violence which is exercised upon a social agent with his or her complicity...”, (Bourdieu and Wacquant 1992: 167; Bourdieu and Passeron 1977 [1970], 1990, Schubert 2002, Swartz 1997). Symbolic violence involves attempts to alter cultural capital and the associated actions, dispositions and behaviours of an individual through the exercise of power. In the context of the discussion here, identity regulation might, therefore, be seen as symbolic violence designed to reshape individual predispositions, tastes and preferences with the aim of ultimately shaping future behaviours so that an individual ‘becomes professional’ in a way deemed suitable by a firm. We argue that the intention of the recruitment processes of PSFs is to recruit individuals with what the firm deems to be the ‘right’
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cultural capital so as to minimise the need for and render more effective what is often a costly and painful process of symbolic violence. Indeed, a wide range of studies of identity regulation have highlighted the cost, pain and failings of identity regulation (see Beech, 2008; Costas and Fleming, 2009; Delmestri, 2006; Dent, 2003; Elsbach and Bhattacharya, 2001; Fleming and Spicer, 2003; Kosmala and Herrbach, 2006). We argue that PSFs use recruitment process to attempt to avoid such difficulties.

4. The study

The research on which this article is based was carried out during 2009 as part of a wider project examining how a sample – what we refer to as T-10 – of global law firms use different recruitment, training and education tactics to manage the cultures and practices of lawyers employed throughout different European jurisdictions. T-10 were selected to represent the largest law firms (by number of offices) in Europe and are, therefore, major recruiters and employers of legal professionals. The research follows a phenomenological tradition whereby the authors did not set out to, “[g]enerate laws, causalities and predictions” (Anderson Gough et al 1998b, 41) but rather to generate, “...interpretative understandings based upon rich, detailed material gathered in a systematic manner” (Ibid). With this in mind, we employed a multi-methods approach consisting of three stages which allowed the authors to triangulate between the findings from the different methodological approaches and enhance the robustness of the research. First, a database of the educational backgrounds (and other key indicators such as gender, ethnicity etc.) of junior (Associate) and senior (Partner) lawyers working in the European Union (EU-27) offices of T-10 firms was constructed. The database includes publicly available data found on law firms’ websites, and resulting in a database with records for 3,081 partners and counsel, 1,151 junior and senior associates and 46 trainees. The data used in this paper refers solely to lawyers in the English Offices of T-10 firms because of the international variations that exist in the recruitment of graduates as junior lawyers which make international comparisons impossible. The dataset comprises 855 partners and counsel, 693 associates and 46 trainees. The database allows the authors to explore key trends within the T-10 firms studied in terms of ethnic background, gender, university attended and variations between firms and between different levels of seniority.

Second, we completed 47 in-depth semi-structured interviews with key informants working in the English offices of T-10 firms. Interviewees included junior and senior lawyers, HR managers, recruitment personnel, senior educators, independent training consultants and representatives from regulatory and representative bodies. Interviews with senior HR managers focused upon the design and practice of the recruitment processes as well as how training was organised and developed within the firm. Interviews with junior lawyers, with recent experiences of recruitment processes, focused upon their formal education experiences, experiences of recruitment and their reflections on why they were recruited and what they thought made a good professional. Senior lawyers and educators were asked for opinions regarding what made a ‘good firm x lawyer’, enabling a reflection both upon the culture of work at the firm in question as well as allowing inferences to be formed.
regarding the role of cultural capital in the recruitment process. All of the interviews were digitally recorded, transcribed and coded.

Third, we completed documentary analysis of material from training and recruitment programmes. Analyses of recruitment and training documentation involved collating recruitment materials (both paper brochures and material from websites) from T-10 firms as well as pertinent materials from the industry press (e.g. The Lawyer and Legal Week) and subjecting these to a close reading, drawing out key points and quotes that related to, corroborated or contradicted ideas emerging from interviews. Key points and quotes were thematically tabulated using the codes developed to analyse the transcripts.

5. Recruitment practices in context

Competition for jobs at leading law firms has always been great in the English context, as it is in the US and many other contexts. Competitiveness has only been exaggerated by the ‘credit crunch’ and recession, with demand for new recruits falling drastically as, in some cases, firms skipped one recruitment year and thus created a pool of unemployed graduates. Nevertheless, HR and recruitment managers in the law firms studied all suggested that it continued to be difficult to recruit the ‘right’ kind of people. As one interviewee put it,

“All of the big city firms are really fishing in a comparatively small pool because of all the reasons I went through earlier on, about the need to have people who are you know, who really tick an awful lot of boxes” (HR Manager, English Global Firm).

‘Ticking an awful lot of boxes’ entails possessing and demonstrating a wide range of what interviewees usually referred to as skills. One interviewee described the ideal recruit as follows:

“...they have to be technically excellent which is something that goes without saying, ... you have that technical part, you have the fact they can work in a team, you have the fact that they’re able to do business development, develop business and separately but in a very similar way, develop relationships with clients, managing their clients, and then managing their people, you know with that kind of whole team idea as well” (HR executive, English Global firm)

Importantly, the description offered by this interviewee highlights how in T-10 law firms many of the ‘skills’ described relate not to technical competency but to ways of behaving when interacting with colleagues and clients, something that Kärreman and Alvesson (2009) suggest is influenced by an individual’s identity and is best managed through identity regulation. Table 4 summarises the key elements of ‘being professional’ in T-10 law firms according to the interviews conducted. As is clear, forms of what Anderson-Gough et al. (2002) call ‘professional conduct’ are key with technical competency far less important than the possession of the norms, values and behaviours that define the ‘preferred’ professional persona.
Table 4. Being a Professional in a Global Law Firm.

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Synopsis</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Responsibility</strong></td>
<td>• Successful management of independent caseload.</td>
</tr>
<tr>
<td><strong>Client Focus and Commercial Awareness</strong></td>
<td>• Exercising appropriate judgement and behaving appropriately when dealing with clients.</td>
</tr>
<tr>
<td></td>
<td>• Understanding of financial markets and the City.</td>
</tr>
<tr>
<td><strong>Commitment and Willingness</strong></td>
<td>• Going ‘above and beyond’ the call of duty - working long hours, taking on extra work even when busy.</td>
</tr>
<tr>
<td><strong>Cultural ‘fit’</strong></td>
<td>• Understanding one’s position within the firm’s hierarchy and need to fit the social culture of the firm – i.e. ways of behaving in everyday professional life.</td>
</tr>
<tr>
<td><strong>Teamwork</strong></td>
<td>• Recognising common goals within the firm and cooperating successfully in the pursuit of these goals.</td>
</tr>
<tr>
<td><strong>Presentability</strong></td>
<td>• Making the right impression on clients and colleagues through appropriate posture, smart and tidy appearance and positive body language.</td>
</tr>
</tbody>
</table>

Source: Based on own research

It was, however, widely acknowledged by HR and recruitment managers that assessing such ‘skills’ through recruitment processes is incredibly difficult. Assessments were particularly challenging because firms seek to recruit individuals who have the potential to further develop the type of abilities outlined above, i.e. firms are not looking for the ‘finished article’ but someone that can be moulded, through identity regulation (as well as other forms of training), into what, in the firms eyes, is an ideal lawyer. So as one interviewee suggested:

“...obviously we don’t expect all our [g]raduate recruits to have these skills [fully developed] but we are trying to identify the potential, i.e. people that have the curiosity and interest and ability to learn new skills, to adapt in the changing markets etc. So at that stage you are looking for potential rather than the finished product obviously” (HR Manager, English T-10 firm)

The strategic response of firms to the challenge of identifying individuals possessing and having the potential to develop the ‘right’ skills – i.e. the ‘right’ professional persona – has, we contend, been to specify, often unintentionally and using the neutral language of skills or capabilities, a series of forms of cultural capital that are believed to be possessed by ‘ideal type’ new recruits. In this sense, forms of cultural capital become classificatory devices that, “…individuate people as describable and analyzable subjects within a comparable population” (Townley 1994: 101-103). The
recruitment process becomes a process of selecting individuals who possess the types of cultural capital that, in the firms’ eyes, are associated with individuals with a particular and acceptable professional persona (see Table 4).

In the rest of the paper we unpack this idea according to the three sub-forms of cultural capital identified by Bourdieu (1986) – objectified, institutionalised and embodied – and examine how different elements of the recruitment processes of T-10 global law firms assess each type of capital. We suggest these types of capital are focussed upon as part of recruitment processes because individuals possessing them are considered most likely to possess what is deemed to be an appropriate professional persona and respond positively to the type of symbolic violence intrinsic to identity regulation.

5.1. Objectified cultural capital

In the English context, all new recruits to the firms we studied, except for ‘lateral hires’ – individuals poached from a rival firm, something that usually only occurs for more senior recruits - came via graduate recruitment schemes. In this context, some of the first selection mechanisms are the recruitment materials themselves (recruitment brochures and websites) aimed at graduates. Whilst not a formal part of recruitment processes, these materials are used to steer individuals with certain types of objectified cultural capital and aspirations towards applying to the firm whilst also encouraging those without such capital to self-select out from the recruitment process. Similar to the ‘anticipatory socialization’ that Anderson-Gough et al. (1998) describe, recruitment materials act as a way of encouraging prospective employees to ‘buy in’ or ‘buy out’ of the firms culture and of the recruitment process itself at an early stage.

At first, attempts to use objectified cultural capital to encourage selection in and out of the recruitment process are not obvious when reviewing firms’ materials. A key message that is universally promoted throughout all of materials of the English offices of T-10 firms we studied is that of diversity – i.e. the desire to recruit from the full spectrum of the UK’s population. Against a backdrop characterised by raising awareness of the ‘business case’ for diversity and by a range of initiatives, such as the Law Society Charter for Diversity and a recent UK Government Report (Cabinet Office 2009), aimed explicitly at increasing diversity and improving ‘fairness’ within the professions, this is unsurprising. The rhetoric in relation to this issue was also clear, with interviewees stating for example:

“We are most interested in the total contribution a candidate can make to our firm. We value diverse backgrounds and experience, intellectual curiosity, emotional maturity, stamina and loyalty, in addition to a solid academic record” (Recruitment manager, T-10 Firm).

“This rich mix of cultural backgrounds, skills and talents is a major strength of the firm. It makes for a more stimulating and interesting environment and means that, no matter what the client’s demands, we can invariably
field someone with the appropriate knowledge, expertise or understanding". (HR Manager, T-10 Firm)

However, whilst commendable prima facie, the fact that diversity is welcomed and encouraged is somewhat cancelled out by the way recruitment literatures also promote a very specific form of cultural capital as being associated with life at a T-10 firm. Recruitment materials do emphasise diversity, particularly through photographs and case studies that portray individuals from a range of ethnic backgrounds, but such portrayals of diversity exist alongside other more covert messages that tell a very different story about the type of individual firms are seeking to recruit. In particular, through recruitment materials firms create a marketable lifestyle product that will attract what are deemed to be appropriate candidates, presenting a set of aspirational semiotics that appeal to individuals who are likely to possess and prefer particular types of objectified cultural capital. A survey of recruitment and training literatures revealed how this ‘career selling’ revolves around the presentation of the firm as a ‘dream factory’, glamourising not only the high powered corporate work individuals could expect to be involved in, but also the non-work aspects of life at the firm. Through a variety of representational techniques consisting of vox-pops with lawyers of different seniority, to glossy photography of employees sat at mahogany desks or sipping champagne overlooking the River Thames, the message presented is notably aspirational and strongly (middle)-classed (Skeggs 2004) in terms of the types of cultural goods, activities and ‘dreams’ displayed. Brochures have employees describing how:

“...I was treated to tea at Claridges, wine tasting at a partner’s house, a tour of Buckingham Palace and an impromptu James Bond style speedboat cruise down the Thames...We’ve also been invited to the office cocktail parties and I recently spent a sunny evening drinking champagne on the London Eye with my soon-to-be co-workers” (Excerpt from one T-10 firm recruitment brochure)

“Our Arts club organises outings to London galleries and museums, along with lunchtime talks by artists and curators. Membership is free, and from time to time members can take advantage of free tickets to exhibitions at leading museums such as Tate Britain and The Royal Academy...Cinema enthusiasts can take advantage of our Film club, which organises regular film screenings in our auditorium…There is also a Wine Society, which organises wine tastings several times a year” (T-10 firm recruitment website)

The evocation of not only financial wealth but also of an imagined white middle-class civility is present to varying degrees throughout all of the recruitment materials of T-10 firms. Most importantly for our argument here, by alluding to life at the firm as being associated with engagement with, and appreciation of, certain types of cultural products and activities, recruitment materials encourage certain groups of individuals to ‘buy out’ of the recruitment process at an early stage as a result of the perceived lack of the ‘right’ objectified cultural capital. Indeed, the cultural lifestyles that recruitment materials portray often only appeal to potential employees who are conditioned through habitus to view such a lifestyle as a measure of success. Bourdieu (1984, 471) notes that the mantra, “that’s not for the likes of us”, plays a
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major part in the construction of the self and in wider processes of social exclusion (2000, 185). Here, following on from this, we argue that the ‘champagne and espresso’ lifestyle (Anderson-Gough et al. 1998) portrayed by firms in their recruitment materials acts as a first attempt at excluding those who might not fit the firm’s tightly defined notion of a legitimate identity; an identity which is indirectly and unintentionally associated with the white English middle-classes because of the predispositions, norms, experiences and behaviours that adherence to such a lifestyle suggests and requires (see Skeggs, 2004 on such middle class cultural capitals). Thus, as noted by Hanlon (2004), somewhat paradoxically, whilst non traditional groups (e.g. non-whites, homosexuals) are increasingly represented at all levels of the legal profession, this has not broadened diversity in terms of values, aspirations and practices. Because of the importance of homology, recruits from different backgrounds, to be successful, need to accept, internalize and project from an early stage the correct dispositions, views and values. In other words they need to accept and then go onto display perhaps even more explicitly than what is expected from white middle class males (Kay and Hagan, 1998) evidence of the professional persona embodied in the recruitment material and defined by the key characteristics outlined in Table 4.

5.2. Institutionalized cultural capital

For those who do not self select out, the first formal stage of the recruitment processes involves an assessment that focuses upon, amongst other things, institutionalised forms of cultural capital. Specifically, institutionalised cultural capital is assessed primarily through standardized application forms and the submission of a curriculum vitae (CV) which is then filtered by an ‘expert’ team of human resources professionals and partners. Academic excellence is the starting point as far as consideration of university qualifications is concerned. Interviews undertaken with representatives from the T-10 law firms revealed that recruiters were looking for individuals with a predicted or awarded degree classification that placed them in the top third of their year group; an upper second class or first class degree in the English context (candidates without the appropriate degree classification are in many firms automatically filtered by their firewall). Interviewees went to great lengths to communicate that, in the first instance, the institution awarding the degree was not important. As the Head of Training at one T-10 firm suggested:

“I think there’s still the myth that you have to have gone to Oxbridge or a Russell Group [U]niversity and to have got a very good 2.1 or 1st to be considered. Now you certainly have to get a 2.1 but which university it comes from is irrelevant”

The fact that, unprovoked, this interviewee started by trying to debunk a myth of elitism – a preference for individuals who have studied at Oxbridge or the Russell Group when selecting candidates - is significant. Analysis of the educational backgrounds of lawyers within the English offices of T-10 firms suggests that, on average, 42% of partners hold a degree from Oxford or Cambridge Universities, and a further 25% possess a degree from another elite English university within the Russell Group or from Exeter or Durham Universities. Such patterns were broadly similar within the cohort of associates studied with, on average, 31% holding a
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degree from Oxford or Cambridge and 23% holding a degree from another elite institution. For both partner and associate lawyers only 7% of those sampled possessed a degree from a ‘non-elite’ UK university, the remainder of the sample having completed university education outside of England and passed a transfer test to become an English lawyer. Whilst not necessarily directly correlated, this does nonetheless suggest that a disproportionate number of individuals from elite universities are being selected at the application form and CV filtering stage, as well as in latter stages of the recruitment process.

Relatedly, the assessment of institutionalised cultural capital occurs because of the value that summer internships programmes have in terms of helping individuals succeed at the application form stage. Internships represent for many candidates the first encounter with the legal profession and the importance of these schemes as an entry route to the profession is difficult to overstate. One employee at a T-10 firm offered the following reflections on how they got through the application stage:

“I don’t know, I’ve always been quite independent, I had a couple of good subject matters on my CV to talk about which were in my gap year I worked at the [Leading national journal] for three months. It was a three month job that I’d go through my school, it was a role that was passed down through the years. But working very closely with an editor at the [Leading national journal] and that was quite a good thing to talk about more than anything. It showed an awareness of the working world and the ability to work in an office and understand issues and deal with problems and that sort of thing” (Associate, T-10 firm)

In addition to, or in lieu of internships, involvement in sports teams or other clubs or associations is also often viewed as a marker of appropriate types of cultural capital. Whilst at first glance, then, institutional capital in the form of an internship, membership of a particular club or attendance at an elite university does not seem to relate to professional identity, we contend that in the recruitment processes of T-10 firms such forms of capital are sought as symbolic evidence of the skill-sets and identities – i.e. the types of dispositions, norms, and values - required to fit in and perform as a professional within the firm. Specifically certain types of institutionalised cultural capital indicate a likelihood of the possession of the responsibility, cultural fit, teamwork and presentability outlined in Table 4. For example, certain institutions, as reflected in our qualifications database, are considered as better sources of institutionalised forms of cultural capital, as they offer better opportunities (in terms of established links with the profession, effective placement schemes and a developed societies scene) and environments (small classes and one-to-one tuition) for the development of the ‘right’ type of professional persona. Thus, displaying appropriate forms of institutionalised cultural capital maximises the chance of success throughout the recruitment process.

5.3. Embodied cultural capital

Those who ‘tick the right boxes’ in terms of institutionalised cultural capital are invited to interview and assessment centres where their embodied cultural capital is
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monitored and assessed by teams of lawyers and HR professionals. Interviews with representatives of T-10 law firms revealed that interview and assessment centre stages focus on day-to-day skills, or what we would call embodied cultural capital, i.e. the responsibility, client focus and commercial awareness, commitment and willingness and teamwork outlined in Table 4. Interviews and assessment centres are, then, akin to Foucaultian processes of normalization (Foucault 1979, 182) where successful individuals are required to meet and exceed minimum thresholds in terms of the possession and display of the embodied cultural capital deemed appropriate by the firm. Indeed, at this stage academic credentials are ignored and, as one new recruit to a T-10 firm suggested based on his experience of this stage of recruitment:

*I think [Firm X] is quite, and they all say this, but I do think [Firm X] is quite keen not to just have academic geeks and that they will look at the broader picture. And I like to think I probably just got the job because I could hold my own in a conversation. I mean everybody’s got great grades, that’s almost of no interest to them because everyone’s got them so that’s fairly boring. I think they’d rather just have a conversation with somebody that they feel they don’t mind working with.*

Identifying the people that existing lawyers ‘don’t mind working with’ is often a mirroring process that leads to the homology Hanlon (2004) describes. Firms tend to select those individuals who have an identity – i.e. the assemblage of understandings, predispositions and norms that defines ‘who I am, what I do and how I should act’ – that is consistent with the existing lawyers working for the firm. Hence a strong pressure towards homology leads to professional elites reproducing themselves by privileging candidates who possess similar forms of embodied cultural capital; something which engenders trust and predictability in social settings whilst reinforcing existing organizational norms, practices and cultures of work. In the recruitment process homology is enacted through subjective techniques of surveillance which literally involve existing lawyers watching potential recruits perform during interviews and in assessment centres which include simulations used to mimic everyday life in the office environment, as well as in ‘off the record’ moments such meals and breaks, and reporting back on their feelings about the appropriateness of the candidates’ behaviour. Reporting back in particular means analysing both the forms of embodied cultural capital that are more directly relevant to being a lawyer – the ability to negotiate, present ideas orally, write concise statements, etc – but also a range of other forms of capital listed in Table 4 which are related to the particular notions of ‘being professional’ espoused by such firms – and include, for example, presentation of the self (a common story told by junior lawyers is that wearing the right colour shoes is vital for success), deportment, body language and the ability to work as a team whilst under pressure (Anderson-Gough et al 2002).

6. Discussion and conclusions

What are the implications of the selection by cultural capital outlined above? We are not suggesting that recruitment processes in T-10 firms only assess the types of cultural capital outlined above. They clearly also assess other intellectual abilities and competencies. But the assessment of cultural capital is as important as human
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capital, and outstanding human capital cannot make up for a lack of cultural capital. As a result we contend that the processes and practices of graduate recruitment occurring within the English offices of T-10 global law firms play an important precursor role in the identity regulation process because of how they select those candidates that display the correct identity and fit in the firm’s model of ‘being professional’. To develop this argument we have explored the contribution that can be made by using the work of Pierre Bourdieu (1984, 1985, 1998[1989]) on economic, social, symbolic and in particular cultural capital. We have suggested this is important because Bourdieu’s work identifies the role of recruitment by cultural capital as a selection tool and potential precursor to identity regulation; potentially minimising the amount of and maximising the effectiveness of post recruitment symbolic violence, i.e. processes of identity regulation, needed.

Recruitment processes are not, then, being invoked to replace identity regulation strategies, but are potentially a tool for minimising the cost, financially and temporally, of identity regulation and the likelihood of its failure. Our findings suggest that recruitment processes also do not necessarily lead to individuals themselves engaging in identity work – the process by which an individual changes their identity. Whilst this is a possible outcome, as reported by Anderson-Gough et al. (1998a), for the T-10 law firms we studied, recruitment processes were a way of assessing already existing identities and filtering out those who lack the appropriate forms of cultural capital that make up an ‘ideal’ new recruit. More broadly, we are suggesting, then, that selective recruitment techniques should be framed within the broader range of technologies of power such as training (Anderson-Gough et al, 1998), performance appraisal (Townley, 1997) and mentoring (Covaleski et al, 1998), which are increasingly deployed by professional organizations to discipline and regulate their employees. Here control implies the reshaping and reframing of subjectivities as individuals are expected to internalize and self-actualize new corporate priorities such as commercial awareness, efficiency, cost effectiveness and client centeredness (Anderson Gough et al, 2002; Grey, 1998). Thus in a context where control and the coordination of work rely on self-discipline and self regulation, effective recruitment and selection techniques are an integral part of a bundle of mutually supporting human resource management practices that professional services firms are devising as part of attempts to generate homology and trust (Hanlon, 2004). It, therefore, seems important to locate recruitment as an essential component within a broader project to normalize autonomous professionals and enact new corporate approaches towards ‘being professional’ (Anderson-Gough, et al 1998).

The connection of recruitment to broader processes of workplace identity regulation also foregrounds issues of diversity, inclusion and equal opportunities within the professions. An extensive body of work has highlighted the ways in which women and ethnic minority groups are significantly under-represented within knowledge-intensive PSFs (Anderson Gough et al, 2005; Bolton and Muzio, 2007; Kumra and Vinnicombe, 2008; Sommerlad and Sanderson, 1998; Witz, 1992). Indeed, one of Bourdieu’s (1984, 1998[1989]) core arguments is that possession of certain forms of capital bestow advantages on individuals that create inequalities within society. Our data confirms this idea, highlighting the disproportionate representation of graduates from elite English universities in T-10 law firms, and suggests that the assessment of cultural capital in recruitment is a key factor in maintaining the widely acknowledged
lack of diversity in law firms (see Cabinet Office, 2009). However, whilst there has been much discussion of the effects on individuals of identity regulation strategies (see Beech, 2008; Costas and Fleming, 2009; Delmestri, 2006; Dent, 2003; Elsbach and Bhattacharya, 2001; Fleming and Spicer, 2003; Kosmala and Herrbach, 2006), there has been little discussion of the wider effects on macro-scale questions of diversity and equality within professional fields. The approach taken here begins to rectify this lacuna by using Bourdieu’s work on cultural capital which explicitly connects the possession or lack of particular types of capital to success in labour markets (see also Kay and Hagan, 1998), revealing how recruitment potentially acts as an exclusionary device, in T-10 law firms and a reproducer of the middle class domination of the English profession.

The analysis presented here does have a number of limitations which act as the basis for an agenda for future research. In this paper we have not considered the specific connections between attempts through recruitment to minimise the need for symbolic violence when an individual enters the workplace and the strategies of identity regulation adopted, their success and resistance (Anderson-Gough et al 2002; Covaleski et al 1998; Grey, 1998). These connections require more detailed comparative research that focuses on both recruitment and workplace identity regulation strategies and contrasts firms which prioritise cultural fit in recruitment with ones that do not. Consequently, future work should focus more squarely on both recruitment and workplace identity regulation together, potentially through longitudinal cohort studies of individuals’ careers, following their trajectories from application, through to recruitment, induction and employment, emphasizing at all stages their experiences of identity regulation and the broad array of governance strategies and technologies that PSFs use to manage and reconstruct professional identities. We have also not considered the way the assessment of cultural capitals varies between firms. Our aim here has been to highlight the consistent use across a range of law firms of the importance of cultural capital in professional recruitment. But there are likely to be many differences in the type of capital firms assess as firm-specific understandings of the ‘ideal’ professional persona vary. Indeed, the new recruits to firms we interviewed confirmed that, when lucky enough to receive multiple offers of employment, individuals chose the firm that they felt most suited their understanding of professional identity – i.e. the firm at which, during recruitment processes, they felt their behaviours and identity were most ‘at home’. Future research should also, therefore, pay more attention to the differences in the emphasis of cultural capital in recruitment practices between firms, the way these differences lead to variations in the make-up, by gender, race, ethnicity etc., of a firm’s workforce and the implications for the way professionals conduct themselves on a day-to-day basis.
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