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Professionalism, disadvantage and identity: marginal actors in the legal profession – a case study of Muslim women solicitors

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Abstract

Over the past 30 years, the solicitors' profession has become increasingly diverse. However, the existing literature demonstrates the persistence of structural inequalities as the profession continues to be stratified on a gendered, classed and raced basis. This thesis will explore the position of Muslim women within the solicitors' profession, and their battle for inclusion within historically closed legal spaces. Drawing upon the feminist frameworks of embodied intersectionality and Critical Race Theory, I aim to develop a greater understanding of the fluid and contingent nature of marginalised identity. Contextualised within an increasingly volatile and hostile society, I focus on how Muslim women's professional experiences are contoured through complex interactions of gender performance and expectation, religious obligations, community and socio-economic location.

Whilst this group have gained a degree of attention within the literature, I contribute new understandings to the experiences of this under-represented, and under-researched group. Thus, the heterogeneous diversity of Muslim women provides the much needed complexity to previous literature concerning women and BAME groups.

Through a constructivist grounded theory approach, this thesis analyses with the narratives of 12 Muslim women across legal sectors. Through their voices, I seek to identify the pervasive structural barriers facing this group within the profession, and the reflexive strategies used to progress. I engage with these women's experiences of negotiation to understand the interactions between their professional and personal obligations, and the resultant impacts on their career trajectories, family relationships and personal wellbeing. Departing from the discourses of passive victimhood, I seek to (re)construct Muslim women as

powerful agents in procuring structural change, through their influence as role models, and cultural and institutional entrepreneurs.

Their stories have also revealed new, novel contributions to the professional literature: including focus on the Islamic constructions of motherhood, and the provision of prayer within legal spaces.

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Chapter 1. Contextualising the Problem, and Locating the Agency of the Muslim Woman

1.1 Introduction

The professional project has historically maintained mechanisms of social closure (Larson, 1977; Abel, 1988; Weber, 1968) in efforts to secure their 'shaky structures' of norms, rights and privileges (MacDonald, 1985: 541), often to the exclusion of non-traditional groups (Witz, 1992). Faced with rapid globalisation, market and social change (Faulconbridge and Muzio, 2008), the legal profession has been thrown into flux. Under the shadow of the Clementi Report in 2004, the Legal Services Act 2007 instigated a process of deregulation for legal services, including the emergence of new alternative business structures, in efforts to produce an 'independent, strong, diverse and effective legal profession' (LSA 2007, s.1(1)(f)).

Over the past 30 years, the legal profession in England and Wales has become increasingly diverse. Groups previously excluded from legal practice are being admitted with regularity (Webley, 2015: 2349). Women now make up 48.8% of practising solicitors, and Black Minority Ethnic (BME) groups accounted for 15.5% of practising solicitors (Law Society Annual Statistics Report, April 2016): a 0.6% and 0.5% rise respectively from 2015 (Law Society Annual Statistics Report, April 2015). In addition, minority practitioners have found protection from discrimination enshrined through the Equality Act 2010, and the European Convention on Human Rights. The language of 'equality' and 'diversity' are deployed with increasing fervour by the profession's representative and regulatory bodies (Law Society Equality, Diversity and Inclusion Framework 2016-19), as well as by individual firms (Collier, 2005).

This progress has been a result of considerable struggle. An extensive body of literature demonstrates the persistence of structural inequalities for marginalised minority groups within the profession, namely on the grounds of gender (Sommerlad, 2014; Webley and Duff, 2007; Bolton and Muzio, 2007; Thornton, 2005; McGlynn, 1998), ethnic minorities (Tomlinson et al., 2013; Carbado and Gulati, 2004; Vignaendra et al., 2000; Wilkins and Gulati, 1996), and class (Collier, 2005; Francis, 2014, 2015; Cook, Faulconbridge and Muzio, 2012; Muzio and Ackroyd, 2007). Despite equality provisions, women and BME groups face significant occupational barriers within their careers, where cultural exclusion and discrimination are 'everyday experiences' (Bolton and Muzio, 2007: 49). Thus, the profession continues to be stratified on a gendered, classed and racial basis; women and BME groups are disproportionately underrepresented amongst the higher echelons of the legal hierarchy (Law Society Annual Statistics Report, April 2016), and frequently confined to lower-prestige, lower-paid areas of law (Bolton and Muzio, 2007; Collins, 2005).

This thesis concerns Muslim women solicitors and their battle for inclusion within legal spaces. I focus on how their professional lives are negotiated through gender, race, ethnicity, religion and class, and how these dynamically intersect as 'contingent relationships with multiple determinations' (Brah, 1996: 443). Drawing upon a series of qualitative interviews with Muslim women, this thesis presents a nuanced reading of their struggle for professional inclusion by contextualising the particular structural, cultural and postcolonial histories which contour their lived realities. The remainder of this chapter will introduce the rationale and aims of the study, before situating the experiences of Muslim women within wider society.

1.2 Background Rationale

1.2.1 Why did I want to do this research?

I am not a Muslim woman. Throughout my years as a PhD candidate, the question of why I wanted to engage in the research of Muslim women has been broached on multiple occasions. While it is not uncommon for research into ethnic minority groups to be undertaken by white researchers, the issue has come to be known as the ‘crisis of representation’ (Hammersley and Atkinson, 2007: 203; Said, 2003[1978]). I acknowledge this as a legitimate concern, and I explore this in depth within the methodology.

However the answer to the question ‘why’, for me, is deeply personal. I grew up as a thoroughly Northern working class girl, and a devout Evangelical Christian. I spent the majority of my formative years in the company of some amazing Muslim girls, establishing close friendships. I celebrated in their respective cultures: each Eid my friends would delight in adorning me with a *salwaar kameez*, tikka and an armful of musical bangles, as I sat down to celebratory feasts with their families. I listened to the numerous stories they would share about Islam, and their subjective experiences growing up Muslim. There were even points in my life where I contemplated taking the *shahadah* to become a Muslim myself.

Entering Law School as a budding solicitor, I began to engage with the expansive literature surrounding women and BME inclusion within the legal profession. Of course, the generalised categories of ‘women’ and ‘BME’ encompass a multitude of racial and ethnic identities. I found myself questioning how the nuance and complexities of Muslim women, with their embodied postcolonial, cultural and Islamic histories, could be ‘read’ into the literature (Contractor, 2012). Nigerian feminist Chimamanda Ngozi Adichie (2009) warns against the dangers of singularity in our storytelling: single stories provide an incomplete and sometimes harmful understanding of marginalised experience. She also reminds us to recognise the multiplicity of marginalised narratives. Moreover, how these stories are told is

dependent on power, which Adichie defines as ‘the ability not just to tell the story of another person, but to make it the definitive story of that person.’ By contextualising this research within Muslim women’s highly-individualised milieux, I hope to use my power to heed Adichie’s warning.

Notwithstanding this, Muslim women solicitors’ narratives have not been completely absent within the literature. Muslim solicitors have received a degree of attention, particularly regarding the discourses of ‘cultural difference’ in developing critical relationships within firms. Sommerlad (2011; Sommerlad et al., 2010) Tomlinson et al. (2013) accentuate concerns surrounding the profession’s illustrious ‘drinking culture’, and its potential exclusionary impacts on Muslim groups. I would argue, however, that Muslim women remain underexplored and under-researched in academic literature in their own right. Drawing on the narratives of these women will fill these silences, as well as contribute to our understanding of marginalised identity. This research seeks to continue where previous research has left off; providing the first in-depth exploration of Muslim women solicitors. Fundamentally, it will provide a number of original contributions to the literature. It will contribute to an understanding of how Muslim women specifically are engaging with legal professional structures, and how they are using their agency to develop progression strategies. Furthermore, it will empirically explore the profession’s accommodation of Muslim mothers, and their management of the culturally informed private sphere alongside professional commitments. It will also shed light on how successfully Muslim women are able to manage their Islamic identities, through the specific examples of alcohol abstinence, religious dress and prayer ritual.

1.2.2 The Theoretical Framework

The social conditions of a society form a ‘silent frame’ on inquiry within it (Charmaz, 2014: 329). Before we can make sense of individual experience, we must first explore the

professional field's properties, structuring capabilities and cultural norms, in addition to the position of individuals within the field. It is useful to thus revisit the classical sociological theories of professionalism, before extrapolating the contemporary debates surrounding structure and agency. I argue this combined framework will sufficiently account for the constraining power of social structures (Giddens, 1991), whilst remaining fluid enough to account for individual agency.

Initial engagement with classical literature on professionalism is crucial in order to establish a definition of 'profession', and to further understand the development of its autonomy, internal homogeneity and closure mechanisms. This work will draw its main impetus from the neo-Weberian market control theories of professionalism, placing particular emphasis on the work of Magali Sarfatti Larson (1977) and Richard Abel (1988). In contrast to her historical predecessors (Carr-Saunders and Wilson, 1933; Millerson, 1964; Caplow, 1954; Wilensky, 1964), Larson's neo-Weberian model began to acknowledge the role of human agency in the (re)production of organisational structure, via the collective mechanisms of social closure and status gain.

These theories will be supplemented with Bourdieu's conceptual tools of habitus, fields and capital (1977; 1987; 1991). The work of Bourdieu allows us to effectively reconceptualise 'professions' as historically evolved social fields, or, sites of struggle mediated through 'game playing' and the exchange of capital. The intrinsic ability of an individual to 'play the game', and the possession of capital, is central to an actor's competitiveness and promotional prospects within the field (Sommerlad, 2013). Within this framework we can position individuals as active agents engaged within a complex web of social, professional and political relationships. Moreover, the Bourdieusian concepts of embodied habitus and capital offer a framework capable of capturing the profession's raced, classed and gendered cultural dimensions, whilst also providing an explanation for the persistent reproduction of inequality.

For this research, individual agency is recognised as analytically dualistic (Archer, 1982), and temporally embedded (Emirbayer and Mische, 1998). Establishing agency as a 'morphogenesis', Archer emphasises the inseparable nature of the subjective and objective through cycles of structural conditioning, social interaction and structural elaboration (1982: 228). This gives rise to personal reflexivity; the power of 'both resistance and subversion or of cooperation and adaptation' (Archer, 2007b: 8). A temporal definition of agency is crucial in understanding the changing agentic responses of a Muslim woman to her surroundings and relationships throughout her career, whilst also facilitating the procurement of structural change. Following Battilana (2006), I further argue that the capacity for individual transformative change is highly dependent on power, status and resource.

1.2.3 The Case Study

The case study is an important tool in empirical research, leading an 'inquiry that investigates a contemporary phenomenon within its real life context, especially when the boundaries between phenomenon and context are clearly evident' (Yin, 2003: 13, Andrade 2009: 44). Yin (2009) identifies this type of case study as 'representative' or 'typical', not because this group are representative of all non-traditional groups, but because the objective of the case is to capture the circumstances and conditions of a commonplace situation. Moreover, it has been chosen because it is able to exemplify the broader category of the non-traditional entrant, of which it is a member, and its capacity to illustrate the links between this group's experiences and that of other marginalised actors.

I argue Muslim women are an ideal exemplar through which we can further understand marginalisation within the legal field. This group's experiences are shaped by a complex set of factors, drawn from their locations as both Muslims and as women. As such, their encounters within the profession are always located within the gendered legacies of

cultural, familial and individual social and economic relations (Forson, 2013: 461), which possess the capacity to place them at the very 'edge' of marginality (Francis, 2011).

1.3 The Research Aims

This study deploys a constructivist grounded theory approach (Charmaz, 2014; Glaser and Strauss, 1967), analysing the narratives of twelve Muslim women at varying stages of their careers within the English and Welsh solicitors' profession. It will seek to identify the occupational constraints facing Muslim women in the course of their professional careers. I wish to engage with these women's experiences of negotiation: to further understand the interactions between their professional and personal obligations, and the resultant impacts on their career trajectories, their family relationships and personal wellbeing.

As a result, I hope to re-examine the agentic power of this group within legal practice, the ability of a Muslim woman to make meaningful, effective career choices (Kabir, 2010), and identify the reflexive strategies used by this group to challenge the profession's cultural hegemony. In particular, I explore the coping methods used by these women in the face of discouragement (Archer, 2007b: 19), and the influence of family/ spousal support in overcoming depressing institutional challenges. Finally, I want to ask what constitutes 'success' for these women; arguing for the inclusion of divergent models of success which value the work of Muslim women in wider community mobility, and deconstructing prevalent stereotypes.

My thesis will, therefore, attempt to address the following questions:

- What are the structural barriers continuing to face Muslim women solicitors within the post-professional landscape?
- To what extent are Muslim women able to reflexively challenge these structural barriers in making meaningful career choices?

- What role does a Muslim woman's respective positionality play in conflict negotiation and resolution?
- What coping mechanisms are used by this group?
- What constitutes 'success' for this group?

The following 3 discursive themes have emerged during the course of the research, and consequently thread throughout this work:

i) Heterogeneity of the Muslim Community

Muslim communities are comprised of an incredibly varied mix of racial/ ethnic populations. This includes individuals of Asian heritage (Pakistanis, Bangladeshis, Indians and others), Black African and white ethnicities. The discourses of race/ ethnicity and geographical heritage are all influential in shaping a Muslim's daily experience. As such, the narratives of South Asian solicitor, for example, will not be identical to those of an English convert.

Diversity can also be observed within the range of political belief and religiosity: from secularism to religious orthodoxy. Personal belief is contoured through lived experience and psychological state, resulting in a highly individualised understanding of 'Muslimness'. Consequently, this will be interpreted and performed in varied ways. For some this manifests itself in visible forms, such as the adoption of *Hijab* or other religious dress, whilst for others such displays are neither necessary, nor comfortable. My focus is not on a singular subsection of the Muslim community, and this heterogeneity was captured in the participant sample. Validity will, therefore, be duly recognised in the sheer multiplicity of these Muslim voices within the legal profession.

ii) Establishing Commonality

In recognising heterogeneity within Muslim communities, I further argue that the existence of tangible commonalities provides unification through their religious connection,

which is capable of transcending national and racial boundaries (Basit, 1997: 2). Influenced through the work of Modood and Meer (Modood 1997; 2005; Meer, 2007; 2008; Modood and Meer, 2009), I construct 'Muslimness' as a 'quasi-ethnicity', focused around a perceived belonging to a cultural tradition rather than a specific theological perspective (Meer, 2007). Islamic cultural tradition often contours the geographical spaces which Muslim populations inhabit (Modood, 2005), often permeating family and community at the most intimate levels. Whilst individual religious trajectories may vary, connection to tradition often remains. Therefore, the quasi-ethnic categorisation can adequately account for the numerous and complex attachments of Muslims to Islam, through secular, liberal and conservative affiliations. Crucially, quasi-ethnicisation underpins societal Islamophobia, placing all those who are subjectively or objectively connected with Islamic tradition at risk of cultural racism.

Moreover, Muslim women solicitors do not operate in a vacuum, but their daily lives are coloured by gendered anti-Islamic hostility post-9/11 and 7/7. Meeto and Mirza speak of a sizable 'preoccupation with the Muslim woman' in public spaces (2007: 197), with focus on the veil by politicians and the media (Mirza, 2013), alongside the ethno-cultural specificity of honour killings and gendered violence (Meeto and Mirza, 2007). The Muslim female body has been marked as essentially different from the Western female body; paradoxically constructed as both the passive victim of ethno-religious patriarchy, and as an active threat to British values. She thus becomes the visible representation multiculturalism's failings within modern society. An intrinsic part of conceptualising the formation and performance of ethnic identity is therefore to be 'spatially and temporally sensitive to the complex politics of their location' (Brah et al., 1999: 4), and culturally contextualise them within the legal profession.

Following Mirza (2013), I argue that Muslim women solicitors are bound by their embodied practices of contingent 'Muslimness'; situated between their own internal realities as Muslims, and the uncontrolled external representations of their being. The recognition of

this struggle between the internal and external directly provides a powerful tool in analysing this group's narratives within the legal profession. This research concerns the 'crossing point' of Muslimness and external socio-spatial context, and the issues arising through the processes of negotiation with others in the firm's field (Brah et al., 1999: 9).

iii) Recognising Intersectionality

This research is rooted within intersectional feminist thought. 'Intersectionality', a term established by Kimberlé Crenshaw (1989), refers to the idea that gender, race and other categories of differentiation are intrinsically overlapping and mutually reinforcing. Drawing upon the work of Patricia Hill Collins, I argue Muslim women's realities are shaped by multiple axes of oppression, a 'matrix of domination', through the intersection of race, gender, religion and class. These identities are not uniformly dichotomous, nor hierarchical. Rather they operate as part of an interlocking system of oppression (Collins, 2009), which construct and shape this group's professional experiences. In the words of Audre Lorde (1982) 'there is no such thing as a single-issue struggle because we do not live single-issue lives.' Therefore, focus on a single differentiator will not provide an adequate holistic picture of the challenges faced by Muslim women working within the legal profession (Tariq and Syed, 2017). This lens of intersectionality therefore repositions Muslim women at the intersection of the varied axes of disadvantage.

My thesis does not intend to ascribe a singular experience to this group. Rather, my aim to provide a meaningful understanding of individual experience through complex interactions of gender performance and expectation, religious obligations, community relationships and socio-economic location.

Crucially, an appreciation of intersectionality is critical in avoiding essentialism. Generalised appeals to meta-narratives and broad assertions about this group will misrepresent the divergence of individual experience present: stories are not universal, nor

predictable, but are nuanced and multi-layered. For example, an economically affluent Muslim woman's reality may be radically different from that of her less affluent counterparts. Likewise, a woman's decision to adopt the *Hijab* may influence the perceptions of, and treatment she receives within the workplace (Tariq and Syed, 2017). An intersectional perspective will therefore assist in exploring why individual narratives may differ, in addition to emphasising any shared experience.

I devote the remainder of this chapter to a review of the current literature. It will begin to contextualise the experience of Muslim women within the broader socio-political climate. Furthermore, it will explore the heterogeneity of the Muslim population through an intersectional/ critical race framework, before unifying this group under a common cultural tradition, within a shared temporal space. Most importantly, this chapter will challenge the Orientalist 'othering' of Muslim women, to re-characterise them as highly agentic individuals. Finally, I present the structure of my thesis.

1.4. Contextualising the Problem: Muslim Women in Wider Society

1.4.1 Introduction

Within a grounded theory approach, Charmaz instructs us to move 'beyond an analysis of acts and facts', and to consider how the empirical world impacts our writing beyond mere reporting (2014: 314). In order to understand the experiences of Muslim women within professional spaces, we must first situate their realities within their cultural context and climate. What follows is a concise discussion surrounding the theory and praxis of intersectional/ Critical Race Theory, race, ethnicity and multiculturalism, which fundamentally underpin this work.

The contribution of this chapter to the developing analysis is three-fold. Firstly, I argue that the lessons of intersectionality are of utmost importance given the heterogeneity of the

population and the problematic constructions of race, religion and ethnicity. Religious and ethnic identities are always contextual (Gale, 2013: 874), underpinned by gender and class (Brah, 1992). Yet I suggest that Muslims share a commonality, unified by their Muslim identity: a self-identification or other-identification with a 'social, political and religious practice' (Brubaker, 2012: 2), which often transcends national, ethnic, racial and geographical difference. Using Modood and Meer's (Modood 1997; 2005; Meer, 2007; 2008; Modood and Meer, 2009) categorisation of 'Muslimness' as a 'quasi-ethnic identity', I argue that all Muslim women risk marginalisation specifically as Muslims (Brubaker, 2012: 2; Werbner, 2005: 8), regardless of individual ethnic background and religious piety.

Secondly, this chapter situates these women's narratives within a temporally volatile socio-political space. Scholarship surrounding Muslims is situated in a field occupied by negative public representations of Muslims and Islam (Brubaker, 2012: 6), which must be critically engaged with. The norms of multiculturalism within contemporary political discourse (Kymlicka, 2007; Akbarzadeh and Roose, 2011) have been increasingly challenged by politicians, the media, and the palpable public anxiety following 7/7. Exaggeration surrounding the 'self-segregation' of Muslim populations has been constructed as a fundamental rejection of collective national values and the failure to integrate socially and culturally (Gale, 2013: 872), keeping Muslims on the margins of social acceptance. This context helps to frame the salient issues facing Muslim women solicitors, who risk harmful Islamophobic representations infiltrating their working lives. Thus adopting a model which acknowledges shared cultural commonality and space, whilst remaining sufficiently flexible to account for the fluidity of marginalised identity, allows for a situated, holistic understanding of their multiple subjectivities.

Finally, I challenge the negative portrayal of the Muslim woman as a 'passive' victimised subject. Following Mahmood (2002), Mirza (2013) and Bhachu (1993), I re-

characterise the Muslim woman as an actively agentic individual, bearing the capacity to accept, challenge and reproduce ethno-religious values according to her individual circumstances (Bhachu, 1993: 100). These transformative abilities will be acknowledged in the context of the legal profession, as they negotiate their own identities and relationships to progress.

1.5 An Intersectional Approach

This research cannot tell the whole story of a 'Muslim woman' within the legal profession, because a singular tale does not exist. Instead, her experience is determined through a variety of 'social stimuli' (Cheruvallil-Contractor, 2016: 10): an amalgamation of migrant status, socio-economic/political situation, culture, community, family structure, education and religious belief. To deny a part of this intersection is to reduce their complex identities and experiences down to a religious affiliation for those who have one (ibid; Contractor, 2012: 69), or fail to identify those who do not (Dwyer, 1997).

The slogan 'sisterhood is global' was the rallying cry of the women's movement in the 1970s, signalling the centrality of the internationalist approach to feminist dialectics. As Brah points out, however, the slogan inherently fails to acknowledge heterogeneity in the constructions of 'womanhood' (Brah, 1996: 84). What are the points of convergence and divergence in the lives of Black and white women working within Britain (1996: 85) and, for the purpose of this study, what are the major differences in the circumstances of Muslim and non-Muslim women working within the profession today? In an effort to grapple with these questions, intersectionality can provide a useful set of tools to explore the multiple and interlaced nature of social relations between, and within, socially disadvantaged groups (Bagilhole, 2010: 264).

Intersectionality's roots lie deep within anti-essentialism (Conaghan, 2009; Grillo, 1995), vehemently rejecting the concept of a single 'essence' in conceptualising female or Black experience (Grillo, 1995: 19). bell hooks further problematises the struggles of racial equality and gendered liberation within the context of the 19th Century, locating Black women between the movement for Black liberation, and women's suffrage. hooks emphasises the feminist paradox facing Black women: to support Black male suffrage would endorse the patriarchal social order subordinating Black women, stripping them of their voices. Alternatively, supporting women's rights would be to ally themselves firmly with white women, who had already displayed their racism (hooks, 1982: 2-3). Through the continued exclusion of Black women in their dialogue, white women became the 'teachers' of feminism; a feminism deeply rooted in white imperialism, allowing white women to assume both the right as 'oppressor' of Black women, as well as the 'victim' of white men (1982: 121-4) It is for this reason that broad categories of 'woman' should be avoided as essentialist generalisations (Butler, 1990). Indeed, identity traits such as race and class can never be 'subtracted' from the gendered experience, because they are inextricable from gender itself (Grillo, 1995: 19).

Intersectionality thus converses with feminist theory, bridging the connection between feminism and anti-racism. The term was first coined by Kimberlé Crenshaw to detail the multiplicity of Black female experience, and their subsequent erasure within US anti-discrimination law (Crenshaw, 1989; 1991). The 'sameness/ difference' paradox, one of the central thematics in 1980's radical feminist thought (see MacKinnon, 1991; 1987), was re-encountered within the US case of *DeGraffenreid v General Motors (and others)* in the context of a Black woman's legal claim to discrimination. Under the ratio in *DeGraffenreid*, Black women could only be protected insofar as their experiences coincided with either Black or female experience; anything further could not be protected within the scope of anti-discrimination law (Crenshaw, 1989: 142-3). Observing the overlap between 'Blackness' and womanhood, Crenshaw recognised Black women's need for their own cause of action. Being

forced into sameness is intrinsically harmful to Black women, as too is being categorically rendered different from both Black men and white women (Crenshaw, 1989; 2010). Indeed, Crenshaw argues that there is no simple 'one-size-fits-all' solution to this paradox. Attention instead must be drawn to the multiple ways in which the systems of power converge. These interactions are 'dynamic, historically and contextually specific' which cannot be 'fully mapped in advance' (Crenshaw, 2010: 165). To omit these interactions is to thus render these women invisible (Yuval-Davis, 2006).

Scholars have since re-shifted the original focus from the a priori experiences of sexism, through the triad of race-gender-class (see Yuval-Davis, 2006; Anthias and Yuval-Davis, 1992) and further encompassment of culture/queer/abled theory, bringing together the myriad of female subjectivities (Salem, 2013). An intersectional focus therefore, demands we '[pay] attention to how multiple social forces such as race, class, gender, age, sexuality, and culture shape our experiences' in placing marginalised women at the core of feminist discussion (Deckha, 2004: 15-16). For example, a Muslim woman of Pakistani descent living in England may be defined or define herself with reference to one of her numerous identity facets. She may be defined with reference to her race (as Black), religion (as Muslim), nationality (as British), or ethnicity (as Arab/Pakistani/ South Asian etc.), depending upon the context in which the definition is taking place (Shain, 2003). However, neither the singular descriptors in reference to her ethnicity, ('Pakistani', 'Indian' etc.), nor her religion ('Muslim', 'Hindu', 'Sikh' etc.) provide an adequate appreciation for the complexities Brah and Phoenix term the 'axes of differentiation' (2004; Fletcher and Spracklen, 2014). This is not simply a case of Muslim women being placed in 'double jeopardy' in terms of the race and gender binary (Brah and Phoenix, 2004). Rather, as Hill Collins suggests, the systems of oppression from racial, gendered and classed hierarchies are unified as part of one overarching structure of domination - the 'matrix of domination' - both interrelated and mutually reinforcing. Viewing this domination as a complex system of interlocking differentiators of oppression expands the

focus from merely identifying the similarities and differences of these systems, onto how they interconnect (2009: 221-3, Crenshaw, 1992), evolve and develop over time, space and socio-political location (Conaghan, 2009: 37). Thus, Muslim women's experience cannot be framed solely in reference to singular components of gendered identity, or racial identity. It can only be understood as an interconnected whole, performed within a particular occupational field and socio-political discourse.

The multidimensional and intersectional framework birthed in Black feminist theory provides the much needed breadth, depth and mobility to our approach (Conaghan, 2009: 41) in discussing the nuance of marginalised experience. Whilst oppressed groups are connected through their oppression, the form this oppression takes is variable from group to group. As such, the needs and political strategies must be shaped to respond to each marginalised group specifically (Delgado and Stefancic, 2012: 63). US Critical Race Theorists and Black Feminists have undoubtedly provided a significant contribution to the understanding and progression of non-white minority groups. Arguably however, the conceptualisations of race and racisms grounded within Atlanto-centric research does not readily apply itself within the modern British context. Crenshaw herself forewarned against essentialising one segment of Black US experience and extending to all, suggesting 'Black racialism yields a flat, fixed image of racial identity, experience and interest, which fails to capture the complex, constantly changing realities of racial domination' (Crenshaw et al., 1995, xxxi). The US-centrism within sociological discourse was similarly challenged by Wacquant:

since U.S. scholarship itself is suffused with the U.S. folk conceptions of race the peculiar schema of racial division developed by one country during a small segment of its short history, a schema unusual for its degree of arbitrariness, rigidity and social consequentially, has been virtually universalized as the template through which analyses of race in all countries and epochs are to be conducted. (1997: 223)

Moreover, non-Black minorities, as well as non-racialised minorities (such as disabled or LGBTQ individuals), often do not find their experiences represented adequately (Price, 2010: 153), and are frequently without sufficient legal recourse. Like any other type of binary, '...the black/white binary simplifies analysis, but sometimes to a dangerous degree' (Delgado and Stefancic, 2000).

Unfortunately, Muslim women have often fallen prey to the very essentialism which Critical Race scholars sought to dismantle; constructed as a homogenised and disempowered class, unwittingly governed by patriarchal social and religious structures (Salem, 2013). As Saeed suggests, diverse Muslim communities have been grouped as a single entity within Western consciousness possessing the same beliefs, values, practices and institutions (2009: 203-4). This view is inherently flawed. Wherever Muslims are found in the West their communities are incredibly diverse: no singular voice or culture is dominant (2009: 204). Applied to feminist research, this homogeneous construction does nothing but delineate individual difference, and subsequently grounds the debate on false consciousness (Salem, 2013).

Consequently, I propose a rigorous application of intersectional feminist theory to the analysis of Muslim women solicitors. These individuals occupy intersectional spaces: their fluid identities crossing the boundaries of gender, ethnicity, class, race and religion. This framework provides methodological and practical benefit in highlighting the convergences in oppression for different Muslim women as they enter and progress within the legal profession. Visualising these identities within an interlocking matrix of domination (Collins, 2009) allows for the appreciation in difference within oppressed groups (Rahman, 2010: 949). Professional experiences for these women will be highly individualised, formed at the intersection of their multiple identities - a theme which is embedded through the analysis - and contingent upon the individual's respective positionality. Furthermore, intersectionality recognises that the

actual experience of Muslim women lawyers will be qualitatively different from 'women' lawyers, 'Muslim' lawyers and 'male' lawyers more broadly.

In order to provide an adequate understanding of Muslim women's narratives within the profession, we must address how their multi-dimensional identities are socially constructed through the complexities of race, religion and ethnicity. The next section will therefore engage with the sociological constructions of 'race' and 'ethnicity', and map the resultant societal implications for Muslim women. In acknowledging the subjective social, religious and political difference amongst Muslims, this section will begin to locate a shared sense of self or 'Muslimness' as a 'quasi-ethnic' social formation (Meer, 2008: 189).

1.6 Mapping Multi-dimensional Muslim identities in Britain

1.6.1 Theorising Race and Ethnicity

In light of the sheer diversity within Muslim populations, Sariya Contractor argues that Muslims are potentially best understood in terms of their individual racial or ethnic components (2012: 77). The current Muslim population within the UK stands at 2.7 million, around 4.8% of the population. Of this number, 47% are UK born. 2011 census data provides a rough sketch of the ethnic breakdown of the populations: Asian formed the most populous ethnicity, with 68% of Muslim individuals deriving from this background, which included Pakistanis, Bangladeshis, Indians and other Asians. 32% derived from other non-Asian ethnicities, including Black Africans (e.g. Nigerians, Somalis etc.) Of this 32%, 8% were classified as 'white', encompassing white British and other white (including Arabs, Turkish, Eastern European etc.) (Office for National Statistics, 2011a).

We must be mindful of the interlocking nature of marginalised identity, rather than attempting to understand Muslim women's identity as a sum of its individual components. However, Contractor's observation holds significant merit for this study. Exploration of the

ethnic heterogeneity present within Muslim populations provides the context to their lived experience, contouring their private and professional landscapes in a multitude of ways. Muslim women are situated within their own ethnic diasporas; privy to the myriad of cultural traditions, language, familial and gendered expectations, and representation within wider societal discourse. As Hill observes, these women 'must learn to inhabit at least two identities, to speak two cultural languages, to translate and negotiate between them' (1992: 310). Diasporic identity is complicated through the 'cultural crossovers and mixes' between parental cultures, British culture and any other cultural affiliation they may possess (Contractor, 2012: 77).

Moreover, this focus accounts for divergence in an individual professional experience. The difficulties facing a British Pakistani Muslim, for example, will not be identical to those of a British Somali Muslim. Ethnic divergence can, therefore, helpfully assist in framing discussions around habitus, availability of cultural/ social capital and professional mobility. This section explores the complexity of race and ethnicity in order to further contextualise the intersectional Muslim women's experience. It will subsequently explore the multifarious manifestation of religious belief, before challenging the analytical separatism of ethnic and Muslim identity (see Miles and Brown, 2003). Furthermore, I will argue that Muslims embody a racially constructed ethno-religious identity, leaving them susceptible to discrimination and Islamophobia within British societal spaces.

1.6.2 Race

The intrinsically linked conceptions of race, and ethnicity are often used in conjunction with each other, in efforts to map out the role of identity and belonging in shaping the experiences of racial and ethnic minorities (Bloch and Solomos, 2010). However, there remains little consensus amongst researchers as to what belongs under the broad banners of 'race', 'ethnicity' and 'racism' (2010: 4).

Race can ostensibly be understood as an historical, cultural and geographical identity, based upon biology and physical characteristics. Historically, this construction of race and cultural tradition has been inextricably linked to the imposition of power, control and segregational strategies, in efforts to distinguish dominant groups from the 'other' (Walton and Caliendo, 2011; Dwyer, 1997). In British and US contexts, these racial classifications are underpinned by imperialism; providing the foundation for centuries of legally-sanctioned systems of oppression and separatism, the effects of which are still being felt today (Walton and Caliendo, 2011; Jackson, 1994). As Brah suggests, this idea of 'race' and its historical association with the Social Darwinist hierarchy of 'organised racial types' risks 'reinforc[ing] the idea that phenotypic violation is indeed an expression of a pre-given biological type', and is potentially mobilizable by political fascism (1994: 8067). Anthias and Yuval-Davis cogently describe race as a socially constructed entity, primarily structuring the conceptions of collectivity and belongingness through common ethnic origins and phenomena. In this light, race is a way 'by which the boundary is to be constructed between those who can and who cannot belong to a particular construction of a collectivity or population' (1992: 2). Paradoxically, it is both fictitious (i.e. there is no such thing as a 'race'), and real in its systematic social divisions (Solomos, 2013: 20).

Thus, enquiry should be shifted towards a deconstruction of race as biologically determined, towards a greater focus concerning the natural processes of racialisation which are capable of producing the tangible effects of unequal distribution of societal power and wealth (Nash, 2003). As the Social Geographer Price argues, the consequences of racialisation creates modes of segregation which 'literally and figuratively' erase individuals from official landscapes. In other words, racialisation keeps devalued populations away from power (2010, 153). Subsequently, resultant racism in this way can often be deeply entwined with class interests and societal divisions (Anthias and Yuval-Davis, 1992); capitalism relies on racism 'not for racism's sake, but for the sake of capital' (Sivanandan, 1980: cited in Gilroy, 2010: 11).

However, Gilroy warns that we cannot wholly dismiss the idea of biology as a factor in the formation and reproduction of race. Instead, it is far better to ascribe racial phenotypes into the realm of biological determinants, however meaningless they may be.

Furthermore, the politics of racial differentiation has undergone a contemporary shift in modern British society, away from the political dichotomy of 'Black and white' to a more restricted association of 'Black', specifically towards peoples of African descent (Gilroy, 2010: 36). Additional racist identifiers of 'Paki' etc. have begun to emerge, equally worthy of hatred (see Modood, 2005). Firmly rooted in the understandings of 'race' and the political accommodation of groups of differing cultures and ethnicity, these identifiers have arguably become as fixed and immobile as the crude biological determinants propagated by the radical right (Gilroy, 2010).

Moving away from the 'Black/ white' polarity, towards a construction of race embedded within systematic power, belonging and collectivity better reflects the nuance of Muslim identity (Hall, 1991). Alexander and Alleyne speak of the 'changing terrain' in the West: 'colour' is fractured by religious and cultural markers, and along classed, gendered national lines (2002: 543). This is particularly resonant when dealing with Muslim women's complex identities: not wholly formed on the outside, but narrated within the self (Hall, 1991: 49). Therefore, I suggest 'race' is a useful, but limited analytic tool for this thesis. As such, should be heavily supplemented with a discourse of 'ethnicity'. There are multiple advantages in adopting a combined approach. Firstly, it avoids explicit racial determinism alongside reference to its problematic genetic/biological connotations. Secondly, it allows a vital degree of self-ascription, that is, people possess agency over how they are defined and labelled as ethnicised subjects (Fenton, 1999). These self-understandings are neither static, nor monolithic (Modood, 2005: 21). Finally, ethnicity is able to accommodate cultural markers,

such as language, dress and tradition, as well as opening the potential for religion to be a basis for racial discrimination.

1.6.3 Ethnicity

Prior to the emergence of Social Darwinism in the 19th century, ideas pertaining to the sense of 'feeling and culture' had instead dominated the quest for capturing self-image (Shahabuddin, 2012: 4). 'Ethnicity' thus captures formations of ancestry and historical tradition; entrenched within respective geographical territories and customs, including linguistic and anthropological variations (Anderson, 2015: 173-4) For Weber, ethnic groups are socially constructed (*künstlich*); 'human groups who cherish a belief in in the common origins of such a kind that it created the basis for the creation of 'community' (or *gemeinschaft*)' (1922: cited in Barth, 1969: 14), embedding an ambivalent, dynamic nature alongside the potential for self-categorisation. Social anthropologist Barth further emphasises the individual nature of ethnic characterisation:

The features are taken into account are not the sum of 'objective' differences, but only those which the actor themselves regard as significant... some cultural features are used by the actors as signals and emblems of difference, others are ignored, and in some relationships radical differences are played down and denied' (1969: 14)

Akin to race, ethnicity is arguably about drawing boundaries around porous zones of 'belonging' and 'non-belonging'; both for the purposes of personal identity construction and identification with a particular group, and as a built response to imposed outsider labels of identity and difference (Rattansi, 2007: 88-9). Yet these ethnic boundaries cannot be essentialised as distinctive absolutes. As Brah argues, since all cultures are fluid and internally differentiated, 'our subjectivities are formed within heterogeneous discursive practice', with a variety of positions emerging within a singular cultural context (1996: 93). Thus it is possible that an individual may be typecast as 'Asian' due to her perceived commonalities with cultural

niche (e.g. skin colour, or dress), and subsequently disadvantaged on this basis. Crucially however, ethnicity is individually constructed, not wholly prescribed. Thus she possesses flexible control to describe herself as 'Asian', despite potentially not conforming to the dominant cultural typology.

However, these dimensions only go part of the way in defining ethnicity. In his work exploring historical discourses on ethnicity, Shahabuddin (2012) unravels its foundations grounded in 'otherness' which, he argues, remains relevant today to identify 'outsiders' or 'minorities; within the nation state'. Drawing on Said's (1978) observation of the Orient in Western consciousness, Shahabuddin suggests construction of identity is rooted in the establishment of 'self' and 'other' (2012: 45). I argue that this perspective accounts for the categorisation of Muslims as the figurative 'other' in modern societal discourse.

Following Gulson and Webb (2013), I also recognise race, ethnicity and spatiality as relational. Indeed, they become more than flat descriptions of a priori identity characteristics; they are living, made meaningful only when they are discussed in reference to geographical space, time and political discourse. As Dwyer (1997) suggests, the cultural aspect of racialised identity can never be theorised separately from its symbiosis with the social. They are ecologically interdependent (Barth, 1969: 23), and entrenched through the political questions of power and representation (Dwyer, 1997: 14). Similarly, it is recognising that the specific ways in which these characteristics adapt and present themselves may vary, depending on location, societal status and social class. This is given particular attention in chapter 4, which examines the capacity of race and gender to be shaped and mitigated by social class.

1.6.4 Cultural Racism

Indicated by the preceding discussion of race, racial discrimination stretches beyond the embodiment of physical difference, or 'colour racism' (Rattansi, 2007; Solomos, 1989; Meer, 2008; Modood, 2005). The most prevalent forms of racism in the modern era do not lie

within discourses of biological difference, but are firmly entrenched within culture (Solomos, 1989). South Asians in particular are clearly visible as a non-white group, despite their aggregate heterogeneity. As such, they risk racist victimisation by the dominant white population: they suffer from 'colour racism'. However, their racialised image is also associated with common cultural motifs, such as language, religion, family structure and styles of dress, which can be used to distinguish, otherise and subsequently victimise the collective (Modood, 2005: 6-8). These groups suffer from cultural racism, emergent from essentialized stereotypes and resultant societal stratification (2005: 7). Racism is thus acknowledged as a compounded 'two-step' phenomenon; indeed, Modood imagines a world in which colour racism declines whilst cultural vilification by the dominant remains (2005: 8-9). Modood's convincing recognition of cultural racism highlights the possibilities of raced discrimination based upon shared cultural characteristics. Whilst Modood specifically uses South Asians to exemplify this phenomenon, this conception can comfortably be applied to other ethnic populations. Similarly, this thesis will maintain that Muslim female identity, notwithstanding its internal diversity, will provide a shared experience as a group irrespective of skin colour, ethnic background or nationality (Selod and Embrick, 2013: 650).

1.6.5 Religiosity of British Muslims

Religious adherence represents a further variable within Muslim women solicitors, with the potential to permeate their legal practice. In 2005, more British Muslims identified themselves as 'actively practicing' their religion (73.5%) than the Christian, Jewish and Buddhist populations (Hopkins and Gale, 2009: 10; see also Mirza, Senthilkumaran and Ja'far, 2007). Similarly, in their study of the religiosity of British Muslims, Kashyap and Lewis found that 'practicing Muslims' are much more likely to say that religion is very important in their daily lives than Britons with another religious affiliation (78% of Muslims, compared to 38% non-Muslims). Furthermore, this group were more likely to say that religion is important in

constructing their sense of self (78% of Muslims, compared to 24% of non-Muslims) (2013: 620). Of course, within the definition of 'practicing Muslim', we must acknowledge the multiplicity of belief and doctrinal divergence within the Islam.

In his study of Islamic headscarves in France, Bowen makes a useful distinction between *pratiquants* ('practicing' Muslim) and *croyants* ('believing' Muslims). A *Practiquant* regularly performs prayer, fasts and, if female, wears *Hijab*. Obversely, a *croyant* is one who may fast and eat halal, but does not pray regularly or wear *Hijab* (2007: 195). However, Bowden does not sufficiently acknowledge the permeability of these categories; it is perfectly conceivable that one may not perform prayer or wear *Hijab*, but still consider themselves a *Practiquant* (Contractor, 2012: 6).

Expressed in explicitly religious terms, Bowden omits the third 'category' - the secular or cultural Muslim. Both cultural and secular Muslims constitute a significant voice within the British Muslim diaspora (Modood, 2005; Orenstein and Weismann, 2016), and encapsulate a plethora of diverse beliefs and self-identifications. Cultural Muslims may partake in certain religious observances/ holidays (for example, fasting during Ramadan, or celebrating Eid), and identify with the label of 'Muslim' in recognition of their cultural heritage, but may or may not hold a solid belief in the divine. Secular-minded Muslims may define themselves as atheists and agnostics, or believe Islamic practice should be firmly confined within the private sphere (2016: 380), but continue to identify themselves with the cultural label of 'Muslim'. Thus, 'Muslim' can be mobilised in a variety of ways by differing individuals; some elements may be adopted and utilised, whilst others will be ignored (see Barth, 1969).

Discussion of Muslim groups, therefore, should not be solely couched in homogenous religious terms. The majority of participants within the study categorised themselves as *Practiquant* or *croyant* Muslims, professing an adherence to the principles Islam doctrine. One

individual identified as a 'cultural Muslim' (see Modood, 2005), partaking in selective Islamic cultural practices without any firm belief in a deity.

Personal religiosity provides a 'lens' through which a Muslim woman sees, and is seen, within her surroundings. Her internal sense of 'Muslimness' will externally manifest in differing ways, potentially involve veiling and participation in ritual fasting, consuming halal or prayer. Others may not engage in such practices, despite embodying a strong internal sense of 'Muslimness'. Crucially, the personal management of religious identity can contribute to a divergence in subjective experience within the profession. External manifestations of 'Muslimness' risk contributing to images of 'essentialised otherness' (Mirza, 2013: 9) or disjuncture; translating into professional disadvantage or discrimination. Where visual religious markers of difference are absent, a Muslim woman may still feel the weight of ethno-religious marginalisation, but may be able to negotiate her surroundings more easily. My research is designed to explore such issues.

1.6.6 Muslim as a 'Quasi-Ethnic' Identity

How does 'Muslimness' fit into these fluid categorizations of race and ethnicity? Following the Rushdie affair in 1988, and 11th September 2001, attention has been sharply refocused from ethnicity onto Islam and its adherents. The saliency of Islam has resulted in racial terms such as 'Asian' quickly losing their political potency (Modood and Ahmad, 2007: 187), with anti-Muslim sentiment becoming a common experience across ethnic groups (Hussain and Bagguley, 2012). As Werbner suggests, Muslims as a collective face a very real risk from '[an] oppositional and hegemonic bloc which includes intellectual elites and the consumerist masses, as well as 'real' violent racists...who exploit anti-Muslim discourses to target Muslims in particular' (2005: 8). Islamic affiliation can subsequently procure shared experiences across race/ ethnic lines on the basis of ethno-cultural tradition, although gendered experience within this group may differ (Selod and Embrick, 2013: 650). New

questions emerge regarding the boundaries of 'cultural racism' and Muslims: can, and indeed should, we categorise 'Muslimness' as a separate religious identity, or as a sub-component of ethnicity possessing a shared diasporic culture and history? (Nash, 1989; 5). And if so, where is the boundary drawn between religious doctrine and 'cultural Muslimness'?

Marking the departure from single tiered 'colour racism', the enactment of the third Race Relations Act in 1979 had provided gradual recognition for the complex multiplicity of racial, ethnic and religious identities under its protection (Meer, 2008; 2007). The ratio within the House of Lords case *Mandla v Dowell-Lee* [1983] 2 AC 548 firmly established the inclusion of Sikhism (alongside Judaism) as a protected 'ethno-religious' group. In his judgment, Lord Fraser argued the term 'race' was not solely rooted within biological characteristics. Instead, he emphasised the existence of a 'distinct community' with 'common characteristics': essentially possessing a 'long common shared history', 'a cultural tradition of its own, including family and social customs and manners, often but not necessarily associated with religious observance'. Diverse groups of Ashkenazi, Sephardic and North African Jews, all with their differing languages, cultures and customs, adequately fulfilled the requirements laid out by Lord Fraser and were subsequently afforded the full protections under the Race Relations Act. Despite this, Muslim populations have continuously failed to secure similar recognition as their divergent Sikh and Jewish counterparts, as illustrated within the case of *Nyazi v Ryman Ltd* [1988] IRLIB 367, due to the sheer heterogeneity of Muslim communities (Meer, 2007; 2010).

The Equality Act 2010, consolidating the Race Relations Act, has afforded some legal protections to Muslims, although dual intersecting characteristics remain unrecognised whilst section 14 remains inactive. Crucially however, there still remains no recognition, and subsequent protection, of the racialised nature of Muslim identity. Islamophobia has become the primary mechanism by which Muslim minorities have become the object of 'obsessive preoccupation' in the public consciousness (Cheng, 2015: 564). Despite this, equality

legislation provides little recourse for the effects of Islamophobic marginalization manifest within a Muslim's daily life. Thus, a Muslim woman is lawfully forced to endure the uncomfortable exposition of her body and ritual to intense scrutiny: vulnerable to suspicion, judgement and hostile micro-aggressions as directed by the volatile political climate.

The discourses surrounding 'Islamophobia' have been fundamentally shaped by the dichotomous conception of race as a set of involuntary characteristics, and religion as the 'voluntary', freely chosen by the individual. After all, 'Muslimness' possesses the ability to transcend place, colour and culture; theoretically, anyone can 'choose' to become a Muslim (Meer, 2008; Cheng, 2015: 563) Scholars such as Jacobson (1997) and Miles and Brown (2003) firmly establish a boundary between 'Muslimness' and ethnicity; both of which offer different and often contradictory methods of self-identification (Jacobson, 1997). Whilst Islam may voluntarily occupy a central position within a Muslim's life, ethnicity provides a set of geographically specific customs and cultures which are non-religious in origin which functions are a more 'peripheral aspect of [their] sense of identity' (1997: 239). This distinction fundamentally lies on the basis of individually held belief and devotional practice, rather than a supposed geographical or biological one (Miles and Brown, 2003: 163164). Whilst intrinsically connected, they are part of racialised discourse. The conflation of these two identity traits risks the unwelcome homogenisation of diverse Muslim communities; the Muslim individual has become 'othered' in British society in spite of their own ethnic origins (2003: 167) rather than because of it. Furthermore, Roy suggests the coupling of religion and culture unwillingly 'ascribes to each believer a culture and/or an ethnic identity that he or she does not necessarily feel comfortable with' (2009: 8). It is this division that critically underpins the defence for anti-Islamic sentiment to be excluded from the categorisation of 'racism'¹

¹ See for example Toynbee's remarks 'I'm an Islamophobe and proud of it' after the publication of the 1997 Runnymede Report Islamophobia: A problem for us all: (The Independent, 23 October 1997; quoted in Meer 2007: 182).

protected under the principles of free expression², and open theological critique within a secular society.

The division between Islam and race is not straightforward. Islamophobia, like anti-Semitism, is rarely a 'pure religious discrimination' (Meer, 2013: 503). Rather, it is formed through the messy interplay of racial discrimination and religious intolerance (Taras, 2013: 422) which characterises the prejudice directed at Muslims as citizens, over adherents to the Islamic faith (Erdenir, 2010: 29). Both Erdenir (2010) and Modood (1997) subsequently argue for the usage of 'Muslimophobia', over 'Islamophobia' in order to adequately capture the culturally racialised undercurrents of anti-Muslim sentiment.

For the purpose of this thesis, I am persuaded by the arguments of Modood and Meer (Modood 1997; 2005; Meer, 2007; 2008; Modood and Meer, 2009) who, as noted, frame Muslimness as a 'quasi-ethnic identity'. Muslims experience hostility qua Muslims (Werbner, 2005). Furthermore, Muslim identity is rarely derived from the linear interpretations of the religion itself (Meer, 2007; Richardson, 2004), nor ritual participation in sacred practices. It is, however, focused around a deeply entrenched belonging, or perceived belonging, to a particular cultural tradition (Richardson, 2004). The core narrative of religion is connected to the divine, ethnicity is to the people (Mitchell, 2010: 55), which encapsulates many traditions, holidays and practices. Muslim feminist Katherine Bullock indicates the further multiplicity of Muslim identities shaped through interpretation of scripture, history, language and culture (Bullock, 2002), allowing for variant accounts of scripturally directed Muslim identities (Meer, 2008). Bullock argues that Muslims submit to the will of God through the proclamation of the Shahadah, but pinpointing exactly what Muslims are submitting to becomes problematic. Are Muslims submitting to a particular interpretation of text, or to a long heritage of Islamic history and tradition? (Meer, 2008; Bullock, 2002). *Practiquant* and *croyant* Muslims also seek

² Racial and Religious Hatred Act 2006, s.29J, Human Rights Act 1998, s.12, European Convention on Human Rights, Art. 10

unity in the theological conception of the 'Ummah', or the global community of believers; a common identity sustained through the hardships experienced by Muslims across the globe (Werbner, 1991). Clearly, whilst Islam itself is not a culture, there is significant commonality present across Muslim cultures (Crowder, 2013), which loosely knits them together as a (albeit heterogeneous) quasi-ethnic group. This presents an interesting question for white British converts to Islam, as they cross the boundaries of race and ethnicity, relinquishing their white privilege to become 're-racialised' as non-whites (Moosavi, 2015).

Modood further questions the true 'voluntary' aspect of Muslim identity. For individuals born and raised within Islamic households, celebrating Islamic holidays and feasts, is it really accurate to say they are able to 'leave' their Islamic heritage? In this context, it is perhaps too simplistic to say religion is a matter of pure individual choice (2005: 16-17), rather than an identity forged through a host of overlapping societal, cultural and familial dynamics. Furthermore, the fluidity of quasi-ethnicisation can comfortably accommodate divergence in Muslim experience. In a similar manner to the Jewish diaspora, all Muslims who are subjectively or objectively tied to Muslim culture risk racialized vilification in spite of their individual heterogeneity. However, it is the relative visibility of Muslims, through verbal or nonverbal signifiers, which frequently informs the degree to which Islamophobic feeling is turned into Islamophobic behaviour.

We must proceed with caution. Ascribing a blanket ethnicisation/ racialisation towards identities of non-white people stifles recognition of the many other sources of their identity formation. Experiences based upon gender, age, education, class, and consumption are shared with other groups (Amin, 2002: 972-3). These can cut across ethnic lines, and may, in fact, supersede other facets of racialised identity. I argue, however, that it is interconnected racialised and religious component which often adds complexity to Muslim experiences. Racism can clearly shape the lives and experiences of Muslim but, as Malik (2005) warns, it is

not a one-stop explanation for all of their problems. It must encapsulate the figuration of power across the intersections of class, gender, race and ethnicity; produced through and exercised in an interlinked myriad of economic, political and cultural forces (Brah, 1996: 85). Context is crucial for this study: we are not solely concerned with Muslim women solicitors, but Muslim women solicitors located within a particular time and space. Thus, there is a need to situate their intersectional identities within the tumultuous societal and political discourse post 9/11 and 7/7.

1.7 Situating Muslims within Multicultural Britain

Supplementary to their ethno-religious commonalities, Muslim women share a temporal social space increasingly hostile to their presence. This section focuses on the relationship between Muslim communities and the wider population, in particular how public perceptions of Muslims are (re)configured by domestic and international politics. It will critically assess the post-9/11 and 7/7 political rhetoric constructing Muslim communities as discursively othered across racial, ethnic and religious lines. I subsequently propose that the volatile political dynamics and the state-sanctioned perceptions of 'self-segregation' culminate to provide a critically unstable environment for Muslim women solicitors, both within their professional and personal lives.

Nesbitt-Larking correctly identifies the accommodation of ethno-religious diversity and entrenched social difference as one of the most 'urgent social psychological challenges' facing contemporary Western societies (2008: 351). The ideological roots of multiculturalism are located in the understanding of the nation state as a 'mosaic' - ethnic identities based on separate tiles each contributing the nation's overall portrait (Kivisto, 2010: 260). Kymlicka situates the development of multiculturalism within the wider discourse of human rights: a progressive shift from the illiberal dichotomized notions of the 'coloniser and colonised', 'settler and indigenous' and 'normalised and deviant' ideologies accepted pre-Second World

War (2010: 99). The foundations of the human rights revolution lay challenge to the early racial/ ethnic hierarchies; beginning with the enactment of the 1965 Race Relations Act, and its later enshrinement through the Human Rights Act, and Race Relations (Amendment) Act 2000. Hierarchical relationships begin to be transformed in a process of 'democratic citizenization' into 'relationships of liberal democratic citizenship', in terms of both the vertical relations between minorities and the state, as well as the horizontal relations between citizens of different groups. As Kymlicka argues, 'the key to citizenization is not to suppress these differential claims but to filter and frame them through the language of human rights, civil liberties and democratic accountability' (2010: 100-1).

Theoretically, the multicultural state provides belonging to all of its citizens, recognising the lived social realities of its ethnic groups (Kymlicka, 2007: 65; Modood, 2013). Multiculturalism attempts to carve a respect for the inherent plurality of diasporic communities (Modood, 2011); an approach which allows the visible expression of ethnic identity (Kymlicka, 2007; 2011), whilst securing positive recognition reflected in legislation, policy and public institutions (Modood, 2011; Crowder, 2013).

It is perhaps unsurprising that multiculturalism has increasingly been seen, by both the media and public, as a tool of the political left (Fieschi and Johnson, 2013: 87). In May 1997, fresh in office, New Labour were keen to present their commitment to diversity (Back et al., 2002: 446) through a plethora of incentives, resources and educational policies (Fieschi and Johnson, 2013: 89). Whilst never formalised by the New Labour government, multiculturalism had become the 'unwritten constitution' within British society (Parekh, 2000b), built upon idealised cooperation, dialogue and mutual respect between majority and minority groups (Kim, 2011: 128).

However, Britain's citizenship discourse is highly fluid. Muslim women solicitors have broadly been raised, and potentially entering into the profession, during an era where the

diversity was given mainstream prominence. As Fieschi and Johnson suggest, notwithstanding stubbornly ingrained social inequalities, multicultural Britain boasted a significant reduction in racial intolerance, and a greater appreciation of cultural plurality (2013: 90). The multiculturalist agenda urgently needed to be stepped up to protect Muslim communities from reactionary hostility, right at a time when its utility was being questioned (2013: 96-7).

Questions regarding community tolerance and cooperation were thrown into sharp relief post-9/11 and 7/7 (Modood and Ahmad, 2008: 188). Resultant public anxiety channelled itself into anti-immigrant rhetoric, tempering the political discourse in the early 21st century, (Finney and Simpson, 2009; Gilroy, 2010) and reflected in the rise of the populist political right platforming xenophobia and anti-Islamic hostilities (Gilroy, 2010: 384). Unfortunately, as Jackson and Doerschler argue, the distinctions between Muslim migrants and terrorists have been increasingly difficult to maintain within public consciousness. This was exemplified in the European Union referendum vote (2016: 248), with both the media, the Leave campaign and the sub-campaign led by the United Kingdom Independence Party (UKIP), deploying divisive scare-tactics surrounding the influx of Syrian refugees and Turkish migrants on British shores. Demonstrated by the Leave vote, multiculturalism is perhaps triggering a significant 'backlash' (Jackson and Doerschler, 2016: 251), echoing the sentiment of US academic Matthew Wright: 'ubiquitous critiques of multiculturalism as a catalyst to an ethnocentric backlash from mainstream populations and as an erosive force on the bases for social solidarity may have some teeth after all' (2011: 20). This backlash has been tangibly felt by Muslims, in the spate of racist and Islamophobic attacks unleashed across the UK in the aftermath of the Brexit vote (Jeory, 2016 *The Independent*).

Addressing the Munich Security Conference on the theme of 'radicalisation and Islamic extremism', former Prime Minister David Cameron launched a stinging attack on state multiculturalism:

Under the doctrine of state multiculturalism, we have encouraged different cultures to live separate lives, apart from each other and the mainstream [...] We have even tolerated these segregated communities behaving in ways that run counter to our values. (Cameron, 2011)

Ostensibly Cameron feared multiculturalism had nurtured 'passive tolerance', which must be exchanged for 'muscular liberalism': 'unambiguous and hard-nosed' (Cameron, 2011). Interestingly, Jose identifies Cameron's use of 'muscular liberalism' as a curious discursive anachronism - a well-worn trope harkening back to imperialism, where 'Britannia still ruled the waves' (2015: 445). This preoccupation with social cohesion was shared by former Labour Leader Ed Miliband (Solomos, 2013), channelling Benjamin Disraeli through his vision of 'One Nation' held together by common language, values and culture (Miliband, 2012).

As Trevor Phillips bleakly warned back in 2005, a failure to address effective integratory strategies risks 'sleepwalking our way into segregation':

[...] we are a society which, almost without noticing it, is becoming more divided by race and religion. Residentially, some districts are on their way to being fully fledged ghettos (Phillips, 2005).

The Cattle Report on the 2001 riots in Burnley and Oldham surmised the issue as:

communities leading parallel lives delineated by high levels of segregation in housing and schools, reinforced by differences in language, culture and religion (Home Office, 2001).

The interplay between gendered, raced and ethnic representations of British Muslims thus possess an inherent spatiality; cumulating in public anxiety surrounding their segregation from indigenous populations (Gale, 2013: 873; Bloch, Neal and Solomos, 2013: 4-5). Even more concerning is the apparent agency in negotiating these segregated realities; that Muslims are

actively choosing to live separately (Thomas, 2007). Establishing 'community cohesion' therefore, has been hailed as both the antidote and the preventative to ethnic conflict (Home Office, 2001, Finney and Simpson, 2009; Thomas, 2007).

British residential geographies are however, temporal and rapidly changing. Ethnic populations are overwhelmingly urbanised, and concentrated in cities. 45% of 'non-Whites' live in London and its boroughs, whilst a further 18% are situated in the West Midlands and North West (Office for National Statistics, 2011a). Nevertheless, minority communities, including Muslim populations, are increasingly dispersed across the British landscape: every Local Authority now has a minority presence within it.

Furthermore, concerns regarding the 'ghettoisation' of British cities (Peach, 2009), particularly areas with high Muslim populations such as Bradford, Leicester, Burnley and Oldham, do not find any solid foundations within the statistical data. Indeed, Finney and Simpson's Bradford-based research indicates the purely natural growth of Asian populations within these areas. This is in addition to the movement of white populations into these areas: not 'white flight', but 'white arrival' (2009: 122-3). Ethnic clusters, where found, are not a static phenomenon, but permeable and able to incorporate transient populations within the future (Phillips, 2008: 181).

Antithetical to white arrival is the ongoing ethnic departure. Larger numbers of British Asians (including Muslims) are dispersing away from the urban epicentres, towards more suburban and ethnically mixed residential areas (2008: 181). Irrespective of ethnicity, individuals become socially mobile they become increasingly aspirational in their desires for safe neighbourhoods and prized living environments. Thus, patterns of geographical segregation follow socio-economic lines, rather than racial/ethnic ones (Finney and Simpson, 2009; Phillips, 2008; Dorling and Thomas, 2007). Nonetheless, there are perceived barriers to relocation of ethnic minorities outside ethnically homogenous areas (Phillips, 2008: 184).

Economic constraints, and fear of hostility and abuse (i.e. being the 'first Asian' in a 'white area') are significant factors which limit the degree of spatial integration between the communities (Finney and Simpson, 2009: 100-2). However, these findings have important implications for the claim of wilful Muslim 'self-segregation'.

Geographer Ash Amin (2002) critiques the 'failure' of interethnic tolerance and multiculturalism to produce social cohesion within urban areas. As Amin suggests, in order to understand the everyday intercultural experience of British Muslims, focus must be shifted from the national frame of race, down to the local negotiations of ethnic and cultural difference within communities themselves (Amin, 2002). It is the 'micro-politics' of everyday social encounter, which are critical for reconciling intra-group conflicts, and overcoming cultural differences (2002: 959). Cultural practice cannot be isolated and minimised to ethnic difference (2002: 964); rather it shapes, and is shaped by, class, gender, migration status, residency, education, age and religion (Bloch, Neal and Solomos, 2013; Amin, 2002; Back, 2001). There is a complexity to minority identity that is not captured by a stereotype of a 'traditional Muslim', or their entrapment between 'two cultures': these are individuals who experiment with a creative 'mixing' of 'Eastern' and 'Western' markers of identity and social class, through their diverse uses of language, dress, music (Amin, 2002: 965).

Thus, multi-culture does not always lead to conflict. Many areas exist where mixed ethnicisation has not resulted in social breakdown. Indeed, racial hostilities are more prevalent within white deprived areas (2002: 960, Back, 1996). Les Back, through his 1996 study of Black and White youth groups in South London provides an insight into the micro-levels of intercultural identity formation. His work dichotomises two different estates, Riverview and Southgate. Riverview, a mixed ethnic area with a perceived 'white stronghold', is characterised by high levels of racialised tension and hostility. Through this tension Riverview attempts a distinctive 'neighbourhood nationalism', which marks 'outsiders' through

their cultural difference, and lack of commitment to the local territory (1996: 54-68). In the construction of a racialized hierarchies, white youths adopt Black culture located around damaging conceptions of Black masculinity as 'hard' or 'dangerous', whilst simultaneously vilifying local Vietnamese culture (1996: 68-9). Conversely, Southgate has a strong established Black cultural presence; characterised as a 'no-go area' for whites (1996: 106). Despite this, Back suggests lower amounts of racial tensions, and rigorously syncretic dialogue between Black and White individuals. He argues that this syncretism results in a form of ethnicity born out of negotiation; the interactions and cultural exchange at the individual level, and negotiations with the wider meanings of race and nationhood (1996: 123).

Furthermore, localised studies within multi-ethnic areas such as Oldham have shown that it is not assimilation, but diversity which is being respected and worked with (Thomas, 2007) in effectively bringing Muslim and non-Muslim populations together. However, mixed neighbourhoods, as Amin argues, must be accepted as 'spatially open, culturally heterogeneous and socially variegated spaces' - not as future cohesive communities (2002, 972). Here the principles of contact theory (Tam et al., 2007; Hewstone et al. 2005) come into fruition, bringing together individuals from opposing groups under 'optimal conditions' to further reduce prejudice, anxiety and improve intergroup relationships (Hewstone et al. 2005: 271). Sites of 'prosaic negotiations', workplaces, schools, youth centres and other spaces of negotiation must be pulled into focus (Amin, 2002: 969) as places where the potential for cultural transgression is carved (2002: 959, 970). Through the sustained dialogue at this local level, Amin argues new attitudes and identities can be forged. The crucial intergroup work undertaken by Muslim women solicitors in breaking stereotypes will be further explored in Chapter 6.

As Bloch, Neal and Solomos argue, the everyday multi-culture is fundamental through its problematization of increasing ethnic segregation, whilst highlighting the

multidimensionality of social relations (2013: 10-12). The juxtaposition between ‘segregated populations’ on the one hand, and conditional multiculturalism on the other (2013: 12) provides a wholly inadequate conjecture of the complex and fluid nature of multi-ethnic interactions.

1.8 Experience of British Muslim Women

So far this chapter has presented Muslims as a heterogeneous body, unified through shared cultural connection as Muslims located within a particular socio-political time and space. This section will turn its attention towards the characterisation of Muslim women in particular within Britain, whose narratives have been left out of traditional feminist discourse. It will focus on the myriad of ways in which ideological and institutional practice play out in the discourses of everyday life for these women (1996: 86), and question the consequential impacts on Muslim women solicitors (see Mirza, 2013: 7). Countering the representation of cultural/ religious values of Muslim women as a fixed ‘pathologized presence’ (Phoenix, 1987: 51; Bhachu, 1993: 99), this section will relocate this group as active agents in their own lives, duly reflected in their personal choices and familial structures. Acknowledgment of agentic power will inform this study’s analysis to assess the transformative effects of Muslim women’s presence within the legal profession; including their ability to generate, uphold or shape pre-existing organisational structures.

Muslim women’s lives are marked through convergent aspects of shared female experience. As Dwyer argues, it is crucial to recognise how Muslim women’s narratives are structured through hegemonic racialised and gendered discourses which Orientalise Muslim women as ‘passive victims of oppressive cultures’ (1999: 7, see Said, 2003: 6), singled out as the example of ‘backwardness and fearful subordination’ (Afshar, 2008: 414). Asian Muslim women in particular, through the dominant societal constructions of race and sexuality (Dwyer, 1999: 7) are simultaneously regarded as ‘exotic’ (Shain, 2003; Brah, 1996), ‘dirty’ and

'undesirable' (Brah, 1996). Contractor further argues that popular representations of Muslim women seem to be constructed out of the 'dregs' of society; unforgivingly distorted through Popular literature and media (2014: 23-25). The socially contoured image of the Muslim female is representative - always veiled, subjugated, 'othered', and in need of rescue from the enlightened Western consciousness (Ahmed, 2009: 106). The most negative experiences are therefore used to typify all Muslim women, repeating and reinforcing the misogynistic stereotypes of Islam and Muslims (Contractor, 2014: 25; Mahmood, 2005: 6-7). Consequently, as Yuval-Davies (1997) explains, these minority women must carry what Mercer (1990) terms as the 'burden of representation': constructed as the symbol bearers of identity and honour, both collectively and personally. Thus the Muslim woman is faced with a sizeable challenge in mitigate her pre-existing representations within the professional domain, and left to quietly manage the resultant psychological and professional costs.

Whilst collectively united as 'women', unfortunately religious (and indeed cultural) Muslim women may ultimately find little solace in the common sisterhood. As Contractor suggests, despite being constructed through a white, middle class lens, first-wave feminism can easily coexist with fundamental Islamic rights. However, second-wave feminism and its equalisation of female emancipation with sexual liberation (see for example Greer, 1970; Friedan, 2010[1963]) becomes problematic for many Muslim women (Contractor, 2014: 29). Postcolonial writers such as Amos and Parmar have further criticised these Eurocentric models of feminism as leaving little room for BME women, and not acquainting themselves with traditions outside of their own cultures. Subsequently, the positions they write from further deny any modes of struggle or organisation which originate from the subaltern philosophical tradition (1984: 7).

The transformative agentic power of Muslim women has similarly been omitted within early articulations of Islamic feminism, such as Qassin Amin's *The Liberation of Women* (1899)

(as cited in Ahmed, 1992), and Nawal El Saadawi's *The Hidden Face of Eve* (2007[1977]). These feminist works present arguments that do not contextualise women's religiosity, but reinforce westernised critique of Islam's treatment of women (Contractor, 2014: 30), through chilling themes of subjugation, violence, sexual abuse and female genital mutilation (El Saadawi, 2007[1977]). The dominant voice of feminism within Egypt and the Middle East had begun to affiliate itself with western secularisation within society. The political success of the Egyptian Feminist Union within the early 1990's firmly entrenched the westernised voice as the uncontested feminist discourse within the Arab world (Ahmed, 1992).

This 'self-Orientalisation' resulted in a genre of feminism which arguably alienated Muslim women (Contractor, 2014; Kahf, 1999; see also Said, 2003), rather than directly engaging with them in their own social, political and cultural dimensions. The relocation of agency will subsequently help to 'restore the lost voices who have been written out of 'hegemonic female narratives' (Mahmood, 2005).

Saba Mahmood, through her research in the Islamist women's mosque movement in Cairo, calls for a wider recognition of power and self-realisation of Muslim women, even within the most seemingly illiberal of spaces. She suggests that women's participation or support for ideas seemingly inimical to their own 'interests and agendas' as women to the western consciousness should not be suspected as 'pawns', or victims of bondage within 'grand patriarchal' structures. Rather, her work focuses on tracing the multiple models of agency which inform and direct the actions of her participants (2005: 155), which are often ignored in favour of 'norm-challenging' agency within secularised contexts (Jansen, 2011: 985). Indeed, what may appear to be a case of passive conformity from a progressive point of view may actually be a powerful form of *agency*, but one that can be understood only from within the discourses and structures of subordination (2005: 15).

Like Mahmood, I believe it is important to understand religious/ ethno-cultural performativity through an agentic lens. Contrary to the wider raced, gendered and religious Western cultural hegemony, the participants' narratives within this study, particularly surrounding cultural and religiously gendered practice, were all strongly indicative of a reflexive and powerful agency (Mirza, 2013: 7, Archer, 2007b; Archer, 2010). Juxtaposed against the simplistic discourse of Muslim women bound by patriarchal and religious oppression, this study recognises the power of Muslim women, who bear the capability to reflexively shape their daily realities within the private, and potentially professional, spheres in direct response to the circumstances in which they are situated. As Bhachu suggests, Muslim women are 'cultural entrepreneurs', actively engaging with and structuring their ethno-cultural frameworks (1993: 101)

The perception of Muslim women as 'active negotiators' of the cultural values they choose to accept (1993: 101) can be used to examine the choices of Muslim women solicitors, and their respective capacities to transform, or conversely resist, the 'moulds of professionalism' (Brockman, 2001). Empirical studies increasingly suggest Muslim women are, in fact, actively challenging both neo-Orientalism, and the patriarchal discourse which claims to be Islamic; instead carving out a third divergent public discourse which defends their religious traditions (Piela, 2011). It may be that sustained representation and critical engagement with oppressive power dynamics embedded in organisational structures may reveal opportunities for Muslim women to project their own voices, unfiltered by socio-political or structural restraints (2011: 250).

1.8.1 Cultural Performativity

Likewise, issues such as motherhood, and the veil are, to the Western gaze, particularly indicative of this new colonial discourse of Islam centred on the oppression and subjugation of women (Ahmed, 1992: 151). Motherhood and dress were issues which strongly

resonated with the Muslim women in this study. These issues do not necessarily represent all Muslim women, but it is critical to appreciate their importance where they do so.

Veiling practice remains particularly pertinent. As Ahmed writes, veiling and segregatory practices in particular epitomize female oppression, leading to the further entrenchment of the 'backward' status of Islamic society and culture. Only when they can be timely 'casted off', can Muslims start to move towards civilisation (1992: 151-2). Outside of this hegemonic framework, Muslim feminist writers have continued to construct the veil as a core means to female emancipation, deeply rooted in individual choice arising from interpretation of Islamic frameworks such as piety and modesty (Bullock, 2002; Contractor, 2012; Mahmood, 2005). As Mahmood argues, the virtues of veiling and modesty

do not serve as manipulable masks in a game of public presentation, detachable from an essential interiorized self. Rather they are the critical markers of piety as well as the ineluctable means by which one trains oneself to be pious (2005: 158)

Thus, the *Hijab* of the British Muslim becomes formidable symbol of self-determination, self-identification, independence and agency (Contractor, 2012: 90); pregnant with meaning, and shaped through the history and struggles surrounding it (Ahmed, 1992: 166). It is important to acknowledge, as Mirza points out, the *Hijab* is not the sole source of Muslim piety for women. Rather the decision to veil needs to be understood in relation to identity choices available within an Islamophobic societal setting (2013: 11). The essentialist ideal of the '*Hijabed*' Muslim woman does not always resonate with all Muslims. In practice, the concept of piety or 'being Muslim' is fluid, taking on different meaning for different individuals. As individuals move into different spaces and contexts, shifts can occur in their narrative accounts of 'Muslimness'. Women may express their own piety through alternative routes, informed through their prevailing conceptions of gender, race, class and religion, without the adoption

of the *Hijab* (Buitelaar, 2006: 260). Female professionals may thus, consciously or unconsciously, construct their 'Muslimness' in varied ways as they occupy divergent spaces.

Similarly, women's roles as mothers in Islam as the 'central component of the discourse of femininity' (Siraj, 2012) captures the dominant westernised image of Muslim women as:

passive and docile, subject to patriarchal tradition and lacking any active agency to change their condition [...] invisible in the public domain and trapped within the family framework, their lives are seen as unfree and exposed to domestic exploitation (Ansari, 2004: 252).

Far from broad 'passivity and docility', Muslim feminists have long argued the respect and honour for mothers within Islam (Bouhdiba, 1998; Schleifer, 1986; Siraj, 2012, Cheruvallil-Contractor, 2016); a power God-given through scripture. For Cheruvallil-Contractor, it is the recognition that being a mother is a 'journey into spirituality, success for women, honour in this world and *jihad*' (2016: 14).

Understanding the agentic cultural performativity of a Muslim women solicitor subsequently opens further questions regarding divergent constructions of success and personal reward for marginalised groups. Mahmood's (2005) analysis of piety amongst Egyptian women revealed the intrinsic rewards derived from religious devotion. Religious and cultural practice becomes an aspect of self, from which an individual may attain a wealth of spiritual resources (Mirza, 2013: 10). Self-esteem, confidence and spiritual reward must be acknowledged as highly valuable forms of psychological capital for a Muslim woman, which may be used to mitigate the harsh psychological effects of marginalisation within the profession.

1.9 Conclusion

This chapter has sought to contextualise the experiences of Muslim women to provide a basis for the remainder of this work. It has argued for the centrality of intersectionality in considering the nuanced and heterogeneous nature of Muslim female identity, which passes through raced, classed, gendered and religious lines.

This group are subsequently unified through a common 'ethno-religious' identity as Muslims, located within a particularly hostile time and socio-political space. This chapter also began to reconstruct the Muslim woman as a highly agentic individual, which will inform further discussion surrounding the transformative capacities of the Muslim woman solicitor within the legal profession.

1.10 Structure of Thesis

In ending this introduction, I present the structure of my thesis:

- Chapter 2 explores the classical sociological theories of professionalism, and an exposition of the literature surrounding structure and agency. This chapter will assess whether Muslim women continue to be constrained by their structural surroundings, and demonstrate their capacities to adapt, regenerate and restructure organisational structures. In conjunction with Chapter 1, Chapter 2 will formulate the theoretical framework for the subsequent analysis.
- Chapter 3 explores methodologies in conducting qualitative research with Muslim women. It discusses the dynamics of doing interracial feminist research, as well an insight into my own journey through this research process. Finally, it illustrates the process of data analysis, through a Constructivist Grounded Theory (Charmaz, 2011) approach.

- Chapters 4 and 5 address different, but intrinsically interconnected, aspects of 'fitting into' legal spaces.
 - Chapter 4 will demonstrate how the structural properties shape field location for Muslim women. I demonstrate how social class continues to play a prominent role within recruitment and selection; possessing the ability to reframe, mitigate or cancel out (Brah, 1996) racial, ethnic and gendered identities. This chapter also examines the culturally and Islamically constructed domestic roles, and the resultant impact upon Muslim women's accommodation.
 - Chapter 5 focuses on the management of Islamic identity; how Muslim women negotiate their embodied Muslimness within firm life, through the specific examples of alcohol consumption, Islamic dress and prayer. It examines the manifestations of internalised conflict, its potential psychological impact.
- Chapter 6 explores how Muslim women are seeking to challenge professional hegemony; acting as community and institutional entrepreneurs to actively reform cultural practice. It subsequently examines the position of Muslim women within the post-professional environment, before discussing potential withdrawal strategies.

- The conclusion will revisit the dominant findings and contributions of this work, and acknowledge its limitations. Although the final chapter, it does not signal the end. Rather, it will function as a reflection on this study, and as the beginning for future research into Muslim women solicitors.

The next chapter explores gendered Muslim experience within the legal profession. It demonstrates how Muslim women are constrained by their structural surroundings, and assess how their capacities to adapt, regenerate and restructure organisational structures.

Chapter 2. Theorising the Solicitors' Profession: Establishing a Conceptual Framework

2.1 Introduction

Following the socio-political contextualisation of Muslim women in Chapter 1, this chapter focuses explicitly on this group's experiences within the solicitors' profession. Within a grounded theory approach, the purpose of pre-existing literature is to be 'woven into the theory as more data for constant comparison' (Glaser, 1998: 67). Consequently this chapter, in conjunction with Chapter 1, establishes the main theoretical frameworks which inform the later analysis.

Within this chapter, I examine the legal profession's complex relationship with its non-traditional members. Firstly, I present the classical sociological theories of professionalisation, paying particular attention to the 'structural functionalist' (Carr-Saunders, 1933; Millerson, 1964; Caplow, 1954; Wilensky, 1964), 'power' (Freidson, 2001; 1970) and 'monopolistic' theories (Larson, 1977; Abel, 1988) which build a historically situated understanding of contingent professionalism. My understanding of professionalism is particularly informed by Larson (1977), and later Abel (1988), whose work disseminates the function of occupational closure mechanisms in establishing a hegemonically gendered, classed and raced profession; ensuring that actors are uniformly habituated in the attitudes of their forebear (Bucher and Strauss, 1961: 331). I argue that these classical theories help illuminate the enduring institutional barriers continuing to face Muslim women. The classical models of professionalisation are fundamental in our developing understanding of individual agency. Through a Bourdieusian approach, we can reconceptualise professions as social fields, allowing us to fully explicate the lived narratives of Muslim women located within its confines.

Secondly, I review the existing literature surrounding institutional structure, temporally embedded agency and institutional entrepreneurship, which underpin the individual and collective capacity of Muslim women to influence, or confirm, patterns of marginalisation. This subsequently provides value in exploring the strategies deployed by this group to generate, reproduce and transform organisational structures.

Finally, I examine the accommodation of women and BME groups within the legal profession. Specifically, I focus on the relationship between the professional and private spheres, paying particular attention to the prevalent issues of commitment and motherhood, before discussing the location of these individuals within the professional field.

2.2 The Classical Theories of Professionalisation

In an attempt to construct a theoretical framework for subsequent discussion, it is necessary to map the rise of the profession, in particular the complex relationship between organisational structure and individual actors in securing, and maintaining, their collective status. My review of the theoretical work on professions will fall into 4 sections.

The first part will provide a brief outline of the earlier 'structuralist-functionalist' theories, broadly encompassing the work of Carr-Saunders and Wilson (1933), Caplow (1954), Millerson (1964) and Wilensky (1964). Whilst this thesis draws its main impetus from the later monopolistic theories of professionalisation, these earlier attempts are not without value. Collective professional attributes proposed by structural-functionalist theorists, such as altruistic service, continue to be referenced by the profession's regulatory bodies (Boon, 2010; Law Society, 2010a). I subsequently discuss the 'power' theory detailed in the work Freidson (1970), which provides a starting point for the 'market control' and jurisdictional approach, as developed by Larson.

2.2.1 Structural-Functionalist Theories

Earlier attempts at defining 'profession' broadly concerned defining 'profession', through the dissemination their shared core characteristics. These earlier theories are summarised by Johnson, who defines them as a 'largely sterile attempt to define what the special 'attributes' of a profession are' (1972: 10).

Carr-Saunders and Wilson were early pioneers of the 'trait approach'; an attempt to critically 'examine and evaluate all that is characteristic of professionalism' (1933: 3). For them, professions were important social bodies, able to 'inherit, preserve and pass on a tradition' whilst 'engender[ing] modes of life, habits of thought and standards of judgement which render them centres of resistance to crude forces which threaten steady and peaceful evolution' (1933: 497). Surveying the 'long standing' professions of law and medicine, they suggest that these entities 'clearly stand for something, and that something is a complex set of characteristics' which adequately distinguish them from mere occupations (1933: 284). These specialised characteristics include specific intellectual training, client duty and the establishment of a professional association.

Drawing upon Carr-Saunders and Wilson, Millerson establishes 23 distinctive elements of professionalism, after surveying the work of 21 social theorists (1964: 5. Table 1.1). He identifies 6 'essential features' common to the authors; including theoretical knowledge and skill, training and education, demonstration of competence through examination, adherence to a code of conduct, altruistic service and a high degree of organisation (1964: 4-5).

Barber (1963) similarly proposes 4 characteristics in defining 'profession'. However, rather than providing a list of essential elements, Barber argues that these characteristics are hypothetically located on a continuum; a 'scale of professionalism'. This idea had been previously emphasised by Greenwood, who wrote:

we must think of occupations in a society as distributing themselves along a continuum', placing powerful professionals such as doctors and lawyers at one end, and low-skilled occupations at the other (1957: 44).

This continuum remained agreed, but not established until Hickson and Thomas' preliminary attempt to define a Guttman scale; a cumulative method of mapping professionalisation as variable unit, capable of providing suitable comparators along the way (1969: 39-47, see Table 5).

Functionalist thought stemmed from Emile Durkheim's (2010) work on professional ethics. For Durkheim, the professions provided a solution to the fundamental division of labour in society. As the intermediate between individual and state, professions bear a moral obligation in bringing social cohesion:

It is too, with the aim that the professions should become so many moral milieux and that these [...] should constantly fester the morality of the profession' (2010: 29).

Following Durkheim, Marshall suggests the 'essence' of a profession is an altruistic motive, rather than self-interest; an argument he later uses to justify resistance to state control (1939: 158-9). Similarly, Talcott Parsons writes that professions are better understood in terms of their collective function, juxtaposing the 'economic man' against the 'professional man' who devotes his life to altruistic service (1949: 194).

Further contributions to the structuralist-functionalist theories were provided through Caplow (1954) and Wilensky (1964), who formulated a primitive understanding of the rise of professions, from which later models emerged. Moving away from the common traits and functions of professions, Caplow and Wilensky turned to identify a common pattern within the development of professions: each profession has a recognisable structure precisely because they follow a similar evolutionary process.

The earlier structural-functionalist theories offer little in the way of any significant analysis of the professionalisation process: for this, we will have to move to later theorists. Nonetheless, they did emphasise valuable characteristics: altruism and the public service objective of professions are theoretically capable of justifying the high status, monetary rewards and self-autonomy, and their part in an informal social contract (Aldridge and Evetts, 2003: 27). The altruistic value of lawyers remained an important aspect of professionalism for my participants, frequently factoring into discussions surrounding field location (see Chapter 4) - characterising the divide between commercial law, protecting 'economic interest', and cause-focused practice. The question of public interest also directed discussions surrounding the role of lawyers within a post-professional environment, which is discussed in Chapter 6.

2.2.2 Freidson, Autonomy and Power

By the latter half of the 20th century, the sociological writings on professionalisation had undertaken a significant shift in evaluative discourse, no longer seeing the professions as an honoured collective of public servants fulfilling a positive function within society. Theorisation became much more critical: situating professions within the wider market and classed systems (Freidson 2001: 13-14), and departing from implications of 'class neutrality' from the rising professions. For Freidson, defining professions was a folk concept, and therefore of little interest to sociological research (Freidson, 1983: 27). Characteristic 'traits' of the profession had limited value in characterising what professions 'actually do in everyday life to negotiate and maintain their special position' (Larson, 1977: xii). Freidson instead stressed the importance of 'organised autonomy' in his work on the medical profession; or, the 'right to control its own work' (1970: 71) Professionals thus possess a substantive power within society: autonomy over the nature of its work, who it can be done by, as well as dominance over any subordinate professions (1970: 72).

Freidson's power approach laid the foundations for Larson's work *The Rise of Professionalism*. Larson's work provided a significant contribution in understanding the complexity of the processes of professionalisation. Influenced by Weberian and Marxist thought, Larson begins to stress the importance of contextualising the historical position and functions of professions within a distinctly classed society. For the purpose of this thesis, I find the later neo-Weberian 'market control' theory proposed by Larson, and later developed by Abel, offer an insightful and valuable elucidation of the historic development of professional organisation. Rather than a 'checklist' of common traits, Larson's conceptualisation of the 'professional project' begins to explore professionalism as a discourse characterising collective identities and organisational self-control (Aldridge and Evetts, 2003: 16).

I approach this with caution. I acknowledge the sentiments of Francis (2011; 2004) that the historically specific conditions by Larson are no longer observable within the present day. Professionalism, as defined by this model, is in sharp decline (Kritzer, 1999: 715; Abel, 1986: 41; Faulconbridge and Muzio, 2008: 8) in a rapidly changing and increasingly globalised world. Pointing to the profession's loss of autonomy and exclusivity, the growth of technology and the re-marked boundaries of social closure (Abel, 1986:10; Faulconbridge and Muzio, 2008: 8; Boon, 2010, Francis, 2004), Kritzer suggests the legal profession is now moving into a 'post-professional' era (1999: 729). The resulting change to the societal and market conditions has stripped the 'uniqueness' from the legal profession, and has been shadowed by a more general sense of professionalism (Kritzer, 1999: 720), which has fuelled the processes of professional re-organisation and consolidation (Faulconbridge and Muzio, 2008: 8; Muzio and Ackroyd, 2007). Indeed, as Flood suggests, the terms 'business' and 'industry' are increasingly used in reference to law (1995: 140). The effects of this and related regulatory and structural changes on the accommodation of Muslim women solicitors will be examined further in Chapter 6.

However, to gain an insight into the changing profession, we need to account for the institutional logics of a field (Lounsbury, 2002: 225). It is these ideological processes that provide a set of structures (Bourdieu, 1977), rules (Giddens, 1984) and schemas (Sewell, 1992) which categorically influence choice for practitioners within the field (Bourdieu, 1977; Bourdieu, 1990; Giddens, 1984; Archer, 2010; Emirbayer and Mische, 1998). The historical strategies of collective mobility, market control and social closure, as identified by Larson, remain an important aspect of professionalisation (Francis, 2011: 17) through their continued usage by individuals and firms (Faulconbridge and Muzio, 2008). These internalised logics contour the landscapes in which Muslim women build their professional careers. Thus, an exploration of the neo-Weberian framework will formulate a foundation upon which a contingent, and sufficiently nuanced, understanding of professional structure can be erected.

2.2.3 Larson's Professional Project and Market Control

Larson's conceptualisation of professions is rooted within a Marxist perspective, framing the development of professionalisation as a self-interested model entrenched within classed social stratification. Larson deploys Freidson's (1970) power theory as a departure point for her model, particularly focusing on his elaboration of professional privilege and legitimised autonomy (1977: xii). Autonomy isn't naturally occurring, but must be maintained 'by the virtue of protection and patronage' by the societal elite, who must remain persuaded that there is some positive 'special value' within the profession's work: or, at the very least, remain convinced of its harmlessness (Freidson, 1970: 72-3).

Thus, the privileged status of the profession is hinged upon the 'political and economic influence of the elite that sponsor it' (1970: 73). These special privileges of autonomy and prestige, through elite recognition, firmly entrench the professions within the system of social stratification. Larson develops Freidson's analysis through a neo-Marxist lens, challenging the view of Mannheim that the professions are 'increasingly detached from a given class'

(Mannheim, 1936; as quoted in Larson, 1977: xiv). Instead, she references the work of Gramsci (1971); that occupations must develop 'organic ties' with the dominant ruling classes, which ultimately provide the legitimation and prestige within the context of the classed hegemonic power within society. It is also via this process that historical continuity is actively maintained, giving the established professions roots with their 'classic past'. The collective appearance also helps to reinforce their 'jealously defended autonomy' (Larson, 1977: xv). Even with modern attempts to establish a meritocracy (1977: 6), she maintains that professions are still very much the domain of the middle and upper classes: 'above and outside' of traditional working class groups. (1977: xvi).

In contrast to her predecessors, Larson locates the emergence of professions within an Anglo-American cultural context. The 'modern models' of professionalisation emerged within the economic and social transformation in the late eighteenth and nineteenth centuries, alongside the rise of the industrial revolution, greater scientific legitimation, urbanisation and burgeoning capitalist economy. As she suggests, the advancements of bourgeois society and the resulting structural transformations did not leave professional practice untouched (1977: 12). Rather, these transformations, alongside the expanding and 'free' markets, supplied the optimal conditions for the professional project (1977: 47). Urbanisation brought with it the challenges of increased competition; galvanising the profession to monopolise, whilst undertaking renewed efforts to restrict membership entry through selective educational and societal credentials (1977:12). Thus, the movements towards professionalisation effectively heralded the restructuring of social inequality within the capitalist economy:

The 'backbone' is the occupational hierarchy, that is, a differential system of competencies and rewards; the central principle of legitimacy is founded on the achievement of socially recognised expertise, or, more simply, on a system of education and credentialing' (1977: xvii)

The Professional Project

Larson conceives professionalisation as a 'professional project' throughout her work; a process by which

Producers of special services seek to constitute and control a market for their expertise. Because marketable expertise is a crucial element in the structure of modern inequality, professionalization appears also as a collective assertion of special social status and as a collective process for upward social mobility' (1977: xvi).

The professional project, therefore, consists of two interlinked processes: the 'process of organization for a market of services', and the 'process of collective mobility' which attaches status and social standing to their occupational roles. Thus, Larson defines professionalisation as

An attempt to translate one order of scarce resources - special knowledge and skills - into another - social and economic rewards' (1977: 66)

an attempt to fulfil the dualistic aims of skill monopolisation in order to control the market in a process of upward mobility; capitalising upon prestige and social status. The standardisation or commodification of specialist knowledge is stressed as one of the core means in which monopolisation is obtained and maintained. This point is not exclusive to Larson, but has been acknowledged as a 'core attribute' by Carr-Saunders and Wilson (1933), and emphasised through Abbott's (1988) later work on professions.

To begin the process of professionalisation, firstly a 'distinctive 'commodity'' must be identified. Professional services are a fictitious commodity, which 'cannot be detached from the rest of life, stored or mobilized'. Nor, like a loaf of bread for example, can it be mass produced and sold to the public (Larson, 1977: 14). In addition, the public must be convinced of its value, as well as their own inability to reproduce the service themselves (Abel, 1988: 8).

Consequently, success is predicated on the degree to which society displays a strong consensus regarding the value of the particular service (Wilensky, 1964: 138). Abel argues that this is dependent on the ability of professions to connect their services to fundamental cultural values held by the public: for example, Catholics 'need' a mediator between themselves and God, individuals 'need' a doctor to look after their physical well-being. This acknowledgement can set a low standard for professionalization; there is no requirement to show utility or public benefit in the supply of services, merely consumer confidence (1988: 8). The degree of success is also entwined in the delicate balance of indeterminate art and the prestige of science (Wilensky, 1964: 139); the ideological versus the objective. Too much art, and people will lose confidence in your service; too much science can encourage individuals to complete the task themselves (Abel, 1988: 9). Wilensky correctly observes that many of us might consider constructing a bookcase at home in lieu of a carpenter, but not many Christians would forgo a priest at a funeral (1964: 139).

Once this distinctive commodity is determined, it follows that the producers themselves must be (re)produced through a process of standardisation (Larson, 1977; Abel, 1988). As the professional skills contribute unique marketability to the mass public, Larson further suggests that standardisation 'allows a measure of uniformity and homogeneity into the 'production of producers'' (1977: 40). Formalisation performs a critical role in the professional project, leading to greater depersonalisation and objectification of the profession's knowledge and language, and thus lending it a suitable 'scientific basis'. The superiority of science within the public consciousness has a circular effect: working to produce further formalisation, whilst drawing the profession closer to the 'dominant system of cognitive legitimation' (1977: 41).

However, the profession maintains its irreducible ideological basis to ward against the reductive danger of objectification. As the standardised knowledge is actively applied by

producers, it becomes inseparable from their personalities and identities. This produces a double effect: firstly, the personal characteristics of the producers influence the direction of future standardisation, including the development of inclusionary and exclusionary criteria. Secondly, the leaders of the group may well define a need for personal charisma that 'cannot be taught' or standardised in the selection of future producers, securely rooting the profession towards cognitive indetermination (Jamous and Peloille, 1970). Furthermore, over time we may begin to see a readjustment in the indetermination/ objectification ratio, resulting in the most standardised tasks being delegated to the bottom of the professional hierarchy to be taken up by subordinate groups (1977: 43). This monopoly over standardisation ultimately provides some guarantee to the public regarding the quality of their services, as well as maintaining the profession's position ahead of its competitors (1977: 69). Moreover, the creation of a strong professional structure is significant in maintaining the façade of homogeneity necessary to support the collective mobility project, despite any internal stratification (Abbott, 1988: 106).

Training institutions occupy a central role in the move towards standardisation. These bodies provide the main scaffolding for the professional project and its subculture; transferring the common language and distinctive knowledge to their future producers (Larson, 1977: 45). As the profession continues to draw closer links with training institutions, it further inherits the system of 'subcultural standardisation'. Universities and Law Schools have their own cultural dimensions, in which all future lawyers as students are habituated. These links are crucial for maintaining commonality and unity amongst producers. Thus:

Cognitive standardization appears to be one crucial, if not the most crucial, variable in the sequence which, passing through the rise of monopolistic centres of training, leads to credentialed professionalization and market control' (1977: 46)

The profession's relative success in achieving market control and status gain is highly dependent on these institutions to regulate the flow of producers, which will be discussed below.

Social Closure: Market Control and Collective Mobility

As Abel suggests, the key feature which distinguishes an occupation from a profession is the latter's pursuit of exclusionary social closure (Abel 1988: 10), through market control and collective mobility (Larson, 1977). Defined by Weber, social closure is the process by which collectives seek to maximise their own resources by restricting the access of opportunities to a limited group. The inside group thus develop into a 'legally privileged group' (*Rechtsgemeinschaft*); its members becoming 'privileged members' (*Rechtsgenossen*). Moreover, 'this monopolization is directed against competitors who share some positive or negative characteristics; its purpose is always the closure of social and economic opportunities to outsiders' (Weber, 1968: 342).

All professions are compelled by the market to compete, but producers of services have the ability to seek a degree protection from the harsh market forces (Abel, 1988: 11). As Friedson observes, a profession's success is heightened 'when the number of its members are small in relation to demand and when the clientele is unorganised' (1968: 29). Whilst control over market demand is incredibly difficult, for producers of services, control can be exerted at the point of production for the producers through its relationship with training institutions. Weber considers the purpose of closure as a means to allow

members a perfectly free competition for all the advantages which the group as a whole monopolizes for itself. Or it may assign every member strictly to the enjoyment of certain advantages, such as claims over customers or particular business opportunities, for life or even on a hereditary basis.' (1947: 143)

Ultimately, this desire ensures the profession has both the capacity to define its knowledge base, and closely control the conditions of access to it; maintaining this unequal distribution of power (Larson, 1977: 48). This is an intrinsic part of the professional project: the profession must not oversupply its producers, as this would risk its monopoly over legal services. Closure is subsequently a directed and conscious strategy devised in response to market conditions (Abel, 1988: 12), erecting protective boundaries around the profession to all outsider groups (Larson, 1977: 17). This market control strategy is also discussed by Parkin:

once a professional monopoly has been established, the way then becomes clear for the elaboration of those purely ceremonial conventions by which access to specialised knowledge is carefully monitored and restricted (1979: 104).

However, the professional project is not solely concerned with exerting control over the market, but also the pursuance of high status. Indeed, for some social theorists, status gain and preservation remain the definitive feature of professions (Saks, 2010; 2015). A profession's potential for both 'market control and a superior ranking' was highly dependent, therefore, on the organisation of an effective, modernised educational system (Larson, 1977: 70). Closure within university admission processes (and thereby resultant qualifications) can be enforced through a variety of means: for example, qualifying tests and a request for solid educational attainment as the necessary prerequisites to gaining access to the guarded knowledge. Thus, as Abel argues, the resultant stratification between producers and outsiders can be ostensibly justified by the lengthy training that professionals must complete, rather than a basic acquisitional process (1988: 17).

These limitations on entry have a clear influence on the profession's cultural composition. Many of the earlier examinations set by the legal profession were in part an attempt to regulate the social class of the professional entrants (1988: 139). Along with maintaining the exclusion of 'undesirables', this strategy invariably provides a homogenising

effect on the reproduction of these producers (Abel, 1988: 17), aiming at creating an institution with a strong shared identity (Sommerlad, 2014: 2336; Larson, 1977: 41) whilst securing the societal status quo.

During its transformational period in the nineteenth and twentieth centuries, the profession developed new measures of competence based upon educational warrants. Larson explains:

Elite status [was] no longer claimed on the basis of identification with the extraneous stratification criteria of 'aristocratic' elites, but in new organizational terms...measured, essentially, in terms of educational distance from other occupations' (1977: 70; emphasis added).

The foundations of a profession's claim to market control, and the security of its autonomy, rested upon the basis that it is welcoming to all who meet the qualifying criteria (Francis and McDonald, 2006: 98). Meritocratic entry is effectively the profession's warrant to practise since it underpins the need to be solely characterised by its ethicality and expert knowledge, based on a criteria of achievement rather than ascription (Sommerlad, 2014: 2334). However, the ideology of meritocracy, as Abel argues, does not completely conceal that all 'achieved' requirements continue to disproportionately exclude those disadvantaged by class, race and gender (1988: 18), leading to the preservation of the social stratification. For example, in the 1850s preliminary examinations included a requirement for Latin, Greek, and knowledge of Virgil and Homer; established precisely 'as a remedy for the influx into the Profession of persons of a lower class' (The Law Times 1854; quoted in Sugarman, 1996: 108). Larson thus recognises wherever there is individual mobility, it continues to follow the patterns of patronage (1977: 70): concentrated within the middle classes, rather than between classes (1977: 5). The continued dominance of social class was a central theme throughout the data,

and will feature in later discussions surrounding the Bourdieusian concepts of cultural capital and habitus.

The expansion of legal education has since significantly weakened the profession's jurisdiction over entry (Abel, 1989: 286), with a growing, diverse student population (Law Society Statistical Report, April 2016). Moreover, the profession is facing the emergence of a 'brave new world' (Kritzer, 1999: 732). Incongruent cultural, legal, political and economic borders, once predetermined, are being scrutinised, redrawn and re-legitimated (Beck, 2005: 144), as the profession struggles to adapt to its fluid, changing globalised context. Faced with the exogenous pressures of declining state support, economic recession, educational access, as well as increasing consumer pressure, firms have duly responded through the reworking of professional closure mechanisms in order to protect their status and privilege (Muzio and Ackroyd, 2005: 640). Through the introduction of tailored firm-specific application forms, emphasis on work experience, formalised vacation schemes and training contracts, the role of 'gatekeeper' to the profession has now been shifted onto firms themselves (Francis and Sommerlad, 2009: 64; Francis, 2004: 332). However, as Francis suggests, control over the profession has now returned to the profession, 'but a profession within which individual avenues of advancement are increasingly more important than collective endeavours' (2004: 333).

2.2.4 Gendered and Raced Closure

Larson duly acknowledges the classed dimensions of the professional project (1977: 74). However, gender, race and other differentiators also play a critical role in the professional project. Traditionally the 'bastion of male privilege', women and BME entrants have made a significant impact on the composition of the legal profession (Bolton and Muzio, 2008: 285). The statistical data indicates a success story for these non-traditional groups seeking entry: in 2015, women made up 65.8% of students accepted on law courses in the UK, whilst BME

groups made up 35.7% of those accepted onto law courses, with the largest groups being Black African (8.6%), and Pakistani (8.3%). Of those with Practising Certificates, women made up 48.8% of the total: 15.5% were BME individuals, with 57% BME females, compared to 48% white European females (Law Society, Annual Statistics Report April 2016).

Paradoxically numerical diversity, far from being evidence of equality, masks an ongoing process of upholding patriarchal, and distinctively raced, interests, as the profession's vertical stratification and horizontal segmentation reveals (Bolton and Muzio, 2008: 285). In her work *Professions and Patriarchy*, Witz focuses on the historical medical profession to devise her conceptual model of gendered professional projects. She identifies 4 mechanisms of occupational closure: exclusionary, inclusionary, demarcationary, and dual closure (1992: 43, Fig. 2.1). Exclusionary strategies of closure involve the downward exercise of power by a dominant group in a process of subordination. They are essentially 'mechanisms of internal occupational control' in which the dominant group seeks to secure its monopoly over skills, and subsequent rewards. Demarcationary strategies are 'mechanisms of inter-occupational control', concerned with the 'control of boundaries between occupations' (1992: 44). By contrast, both inclusionary and dual closure strategies 'describe the different countervailing responses of groups who are subject to their exclusion or demarcation'. Inclusion is the upward exercise of power by a 'subordinate' group subjected to exclusionary closure, as they seek inclusion within their structures. Dual closure strategies comprise an upwards countervailing power in direct response to demarcationary strategies, but also seek to bolster their own position by employing exclusionary strategies themselves (1992: 46). The term 'usurpation' was introduced by Parkin (1979) in order to reflect the nuance of the inclusionary strategies deployed by subordinate groups, as 'the mobilization of power by one group of collectivity against another that stands in a relationship of dominance to it' (1979: 74). Further still, revolutionary usurpation aims to 'change the structure of positions itself', rather than to simply seek inclusion (Witz, 1992: 46).

Witz observes these strategies as critical in capturing the gendered dimensions of professionalisation. For Witz, the relationship between gender and professionalisation has been largely ignored within the sociological theories. Successful professional projects have historically been the sole creation of class-privileged males and, as such, it cannot be meaningful to discuss these projects without gendering the agents and locating them within the 'structural and historical parameters of patriarchal capitalism' (1992: 37). She suggests that the neo-Weberian (and Marxist) closure models provide the ideal 'springboard' for locating gendered professional projects within patriarchy, as well as within capitalist economies.

Gendered formations of closure essentially operate through a bolstering of male power in their collective claim to the labour market's resources and opportunities. Through downward exclusion, women consequently found themselves excluded from the specialised knowledge base, and entry into the profession's protected realms; creating a class of 'ineligibles' (1992: 44-6). The profession subsequently participates in an additional means of closure, via its demarcationary strategies: the horizontal exercise of power to gain control over the affairs of any related, or adjacent, occupations (1992: 44), thereby protecting its jurisdiction from encroachment by similar occupations (Abbott, 1988). These strategies of demarcation rely not upon the direct exclusion of women, but on the encirclement of women into related, but distinct, occupations where they remain vulnerable to the influence of male domination.

Witz's dissection of professional closure mechanisms provides an important cultural element to our understanding of professional structure, and the influence of male dominance. The legal profession's masculinised paradigm has been previously emphasised within the literature (Sommerlad and Sanderson, 1998). As a response to increased female entry, gender segmentation and stratification have emerged as 'internal closure strategies'. Women are

often 'queued' along the slower subordinated tracks, confined to lower paid/ lower prestige areas of legal practice (Bolton and Muzio, 2007: 50; 2008: 288). The difference between the partnership levels of women, BME groups and men remain substantial: in 2015, only 19% of women solicitors were partners. The partnership levels of BME solicitors at 22% remains well below the proportion of all white European solicitors, at 33% (Law Society, Annual Statistical Report, April 2016).

However, for Muslim women solicitors located at the intersections of gender and race, it is important to examine the racialised dimensions of the professional project. Drawing upon Witz's analysis, I argue these professional projects are similarly entrenched in whiteness: the creation of a project 'shaped for' and 'shaped by' distinctively raced collectivities (Ahmed, 2004a: 2).

In her study of the accountancy profession, Annette recognises racial closure has been largely absent from critical histories of professionalisation, despite it being the third major axis of social differentiation (2003: 641). Puwar further details the essential racialisation of white spaces; just as masculinised structures were often seen as gender neutral, the profession's structures and language are 'not so easily visible to white people, precisely because whiteness is defined as the norm and the standard neutral space'. Although we are now able to discuss the maleness of professional organisations, the notions of 'whiteness' remain on the 'margins of academic discussions in this field' (2004: 135). This research attempts to emphasise the salience of race (and religion) in the professional project. Muslim women must play on shaky ground: the profession's hegemonic white masculinity engrains the very cultural norms contributing to their continued exclusion. For example, this was prominent in the ritualisation of alcohol-soaked socialising practices (see Chapter 5); contributing to the discursive marginalisation, discrimination and 'othering' of Muslim women (Hall, 1995).

The greater the disparity between the individual's intersecting minority characteristics, as with Muslim women, the greater likelihood that they will encounter difficulties procuring the necessary social and cultural capital required by the firm in order to enter and progress (Francis and Sommerlad, 2009: 67). It is important to acknowledge the profession wider model of closure, and the structuring properties of the profession which have continued to inhibit opportunities for a range of actors on the basis of class, race and gender. What this lacks, however, is the appropriately nuanced focus on individual narratives, capacity for agency and the complexities of intersectional disadvantage. In order to ameliorate our understanding of the position of Muslim women solicitors, our conceptual framework needs to be supplemented through an exploration of individual agency.

2.3 Theorising Structure and Agency

Chapter 1 began to construct the Muslim woman as an active agent in generating, shaping and reproducing cultural tradition within their communities. This chapter will explore to what extent this agentic power is manifest within the hegemonic professional structures. More specifically, to what extent Muslim women are 'fitting in or altering the legal mould' (Brockman, 2008: 77), and how able are they to procure divergent change within the professional status quo?

Theorising structure and agency provides the tools to help us understand the coexistence of creativity, constraint, individual agency and power within institutional settings (ibid). 'Structure' in sociological theory, refers to the objectively identified social institutions, patterns of behaviour, or set ways of thinking that work to shape human behaviour (Sewell, 1992: 2). Conversely, agency refers to the subjective ability of an actor to act with conscious intention (Sarat and Scheingold, 2005: 4; Archer, 2003: 1). Consequently, the question is whether organisational behaviours are the product of exogenous social forces, or of subjective agency (Heugens and Lander, 2005: 61).

Early social theorists emphasised the emergent isomorphism within organisational populations; a homogenising process which influences one unit within a population to resemble other units when exposed to the same environmental conditions (Dimaggio and Powell, 1983: 149; Hawley, 1968). It was thereby assumed that individuals would always comply with the institutional pressures to which they had been subjected (Battilana 2006: 654). Structure is the structuring force of social existence - hard, primary and immutable, much like the steel beams that support the construction of a high rise building and crucially, impervious to agency (Sewell, 1992: 2). The structuralist conception of social organisation is one of significant merit, as exemplified by the neo-Weberian professional project: exclusionary patterns of gendered, classed and raced reproduction can be clearly observed within institutional structure (Tomlinson et al., 2013: 247). As Sewell argues, the notion of structure tends to dominate the tendency of relational patterns to be reproduced, even when the actors engaging within the relations are unaware of this, or do not desire their replication (1992: 3). The place of change, however has posed a significant problem for structural theorists who view institutions as a 'source of stability and order' (Scott, 2001: 181). If behaviour is shaped by institutional orders, how is an individual able to envision and enact change? (Greenwood and Suddaby, 2006: 27). This phenomenon is referred to as the 'paradox of embedded agency' (Seo and Creed, 2002: 226). The challenge therefore is to show how actors are both shaped by institutional structures, as well as their ability to promote change within those structures (Greenwood and Suddaby, 2006: 27).

2.3.1 Structuration Theory

Highly critical of the separatist dualism between structure and human action, Giddens seeks to establish a dualistic symbiosis: both important and equal in influence (1984: 162, 1979: 69). Giddens' resultant structuration theory is thus intended to demonstrate the interrelation of agency and determinism, where 'individual choices are seen as partially

constrained, but they remain choices nonetheless' (Bratton et al., 2007: 373). Structuration is, therefore, not a barrier to action. It is both the medium and the outcome of reproductive practices which constitute social systems (Giddens, 1979: 70, 1981: 27). Structure shapes people's practice, which will in turn shape the organisational structure, thus, choice and structure necessitate each other. Giddens does not provide us with a substantial explanation of 'structure', save a description of structure as 'rules and resources, recursively implicated in the reproduction of social systems' (1984: 377). Sewell attempts to broaden this interpretation, instead referring to structures as generalizable 'schemas' or procedures which govern human social interaction (1992: 8).

Seeking to facilitate the role of agents within the structural orders of social and institutional life, Giddens emphasises the reflexivity or 'knowledgeability' possessed by individuals, which is intrinsically involved with the recursive ordering of social practice (1984: 3). Knowledgeability is the capacity of an individual to self-consciously assess the ongoing of social practice; monitoring and adjusting their responses accordingly. This reflexive agency within daily social life, Giddens argues, falls in between the 'discursive conscious' and 'unconscious' states of being. Unconsciousness in its ordinary usage denotes insensibility; deep sleep or 'being knocked over the head' renders a person wholly unconscious and unresponsive to external stimuli. Discursive consciousness, on the contrary, refers to a state in which an individual is acutely aware of their surrounding environment and can relate their actions to it (1984: 43-4). Taking the example of a businessman obtaining money on false pretences, he is said to be engaging in 'conscious and deliberate fraud'. The individual has to think about his actions for the activity to be carried out consciously, and so 'discursive consciousness', in this sense, presupposes an ability to convey a coherent account of one's activities, and the reasons behind them (1984: 45). The median becomes the 'third state of consciousness' - what Giddens terms 'practical consciousness' - enabling an agent to draw

upon basic structural properties in the duration of action, without being able to explicitly express what she/he 'knows' (1984: 44-49).

Structural reproduction is contingent upon the interconnections between the knowledgeable actors and their organisational contexts through routinization. As Giddens argues, 'routine is integral both to the continuity of the personality of the agent, as he or she moves along the paths of daily activities, and to the institutions of society, which are such only through continued reproduction' (1984: 60). Routinization, in day to day life, doesn't 'just happen'. Rather, it is a consequence of the practical consciousness possessed by knowledgeable agents across time and space, creating an habituality fundamental to societal organisation (1984: 64). Thus, Giddens' theory of structuration allows for the recurrency of social practice; for example, through bureaucratisation where inert rules and regulations are integrated through routinization (Dimaggio and Powell, 1983: 147; Archer, 2010: 229; Giddens, 1987: 60). The agent learns from these structures. In the same way, they also facilitate change, or the potential of change, however small or trivial this may be (Giddens, 1979: 114).

If structures are enabling, they must also be constraining. An opportunity offered to one individual, constrains the available opportunities of another (Tomlinson et al. 2013: 248). This binary effect is indicated in Davies-Netzley's (1998) study of women and BME individuals in corporate positions 'above the glass ceiling'. This study details how professional structures enable the progression of white men, facilitated by patronage and 'old boy's networks', whilst constraining the opportunities of women. Similar patterns were observed through the biographical narratives of Muslim women solicitors. Mobility prospects were not solely contingent upon individual choice, but often reflective of deeply embedded structural constraints. The requirement for a demonstrable commitment to a 'jealous' profession, through long hours and alcohol fuelled socializing (Sommerlad and Sanderson, 1998; Webley and Duff, 2007), had a tangible impact on the career trajectories of some Muslim women as

they sought a rapprochement between cultural and professional spaces. Similarly, the physical body as a marker of professionalism, and the representation of embodied identity (Haynes, 2012; Collier, 2005; Sommerlad, 2008), presented new challenges for veiled Muslim woman. These examples will be discussed in greater depth within the subsequent chapters.

Giddens' work reflects the fluidity of professions to evolve over time (Faulconbridge and Muzio, 2008) under the direction of its practitioners. However, it fails to adequately account for temporality within agency; the possibility that an individual's response to structural challenge may change as they progress through their career and life stages. There is a need, therefore, to explore additional accounts of the structure/ agency dichotomy which acknowledge its temporality.

2.3.2 The Social World as Morphogenesis

Margaret Archer criticises Giddens' model of structuration, suggesting that whilst the 'duality of structure' proposed by Giddens allows for both maintenance and creation, it provides insufficient explanation for which is likely to prevail under specific circumstances (2010: 229). Aside from a 'duality', Archer suggests Giddens' model instead 'oscillates between the two divergent images; it bestrides' between the volatile 'hyperactivity of agency', and the 'rigid coherence of structural properties' conducive to the reproduction of social life. Rather than transcending the structuralist/ individualist dichotomy, they are embodied within the duality which are 'simply clamped together in a conceptual vice' (2010: 230). Giddens' institutional recursiveness does not focus enough on the durability of constraint - what people 'have to grapple with' - rather than simply the continuity of reproduction (2010: 233). In response, Archer proposes a form of analytical dualism which she terms 'morphogenesis'. Analogous to Giddens' social system, morphogenesis is a process capable of describing the complex interchanges that procure structural change.

Unlike Giddens, however, morphogenesis has an end product of structural elaboration rather than a set of visible patterns. Human action is a prerequisite to the formation and continuation of structure; however, subsequent interaction is recognizably different from earlier action because it has been conditioned by the structural consequences of that prior action (2010: 228). In addition, Archer stresses the temporal and cyclic nature of analytical dualism; structure and agency are phased over different tracts of time (1996: 694), something that Giddens had, in fact, acknowledged but failed to account for in his work (Giddens, 1979: 217; Archer, 2010: 238). Fractions of structure and agency are placed in differing sections of time. Consequently, we are able to discuss the concepts of structure being prior to agency, having autonomy over it, and exerting causal influence upon it (Archer, 1996: 694). Thus, the morphogenic argument is based upon the following prepositions located sequentially in time: i) structure logically predates the actions which transform it, therefore ii) structural elaboration will logically postdate these actions (Archer, 2010: 238).

The crux of agency is located within the idea that agents are free to act as they wish, but are persuaded or deterred from action by structural conditions. At the same time, they have a level of awareness about the structural constraints they face, and are able to react and interact with them: they possess the reflexivity common to all individuals, although its exercise is not uniform (Archer, 2007b; Caetano, 2015: 62). How people address a particular question involves a dialectical interplay between their 'reflexively defined concerns', and their contexts. Moreover, actors are able to understand their actions through external 'inspection' and internal dialogue (Archer, 2010: 20). This temporal reflexivity and internal dialogue readily explains the difference in responses between situationally similar Muslim women.

2.3.3 Temporality and Spatiality of Agency

The temporal nature of reflexivity is further emphasised by Emirbayer and Mische, in their attempt to reconceptualise the nature of human agency as a 'temporally embedded

process of social engagement'. Thus, agency can only be explored in its full complexity if it is situated within the flow of time; informed by the chordal triad of past, present and future elements (1998: 963-4).

It is perfectly possible that social actors will be located within multiple temporalities at any given time, although they may primarily orientate towards one over others. As actors move within these contexts, they argue that actors are able to switch between their temporal orientations, and are thus capable of changing their relationship to the given structure (1998: 964-5). By examining these changes in orientation, it becomes increasingly possible to chart the 'varying degrees of manoeuvrability, inventiveness and reflective choice' shown by actors in relation to their structural environments. (1998: 964).

Human agency is located within the triad of iteration, projectivity, and practical evaluation, each corresponding to the differing temporal types of agency oriented towards past, future or present action (1998: 970). The iterational dimension is the chordal variation resonating with the past. Habitual in nature it, in essence, refers to the reactivation of past patterns of thought and action, which are selectively recognised, located and reincorporated in activity (1998: 971, 975). The second projective element works to encompass the possible future trajectories of action, formulated in relation to the actor's own thoughts, hopes and fears towards the future. The final element of the triad is the practical-evaluative element encapsulating the present. This refers to the capacity of actors to make practical judgements, amongst a multitude of possible trajectories of action, as a response to the dilemmas, demands and ambiguities emerging within their present lives (1998: 971).

The choral triad supplements the theories of Giddens and Archer, whose focus lies upon the recurring patterns of structuralisation, rather than upon the 'precise ways in which social actors relationally engage with those pre-existing patterns' (Emirbayer and Mische, 1998: 975). Emirbayer and Mische suggest the existence of a double constitution of agency

and structure, where 'temporal-relational contexts support particular agentic orientations which, in turn, constitute different structuring relationships of actors towards their environments'. It is precisely these orientations within particular structures that allow actors to procure the varied, flexible degrees of transformative influence, and critical response in relation to structure. (1998: 1004). It is this reframing of agency within temporality that provides necessary complexity and creativity required for a richer understanding of the structure/ agency dichotomy (1998: 1013).

The impact of temporal-relational context is crucial in our analysis of how Muslim women regulate their performance with their professional environment. For example, a Muslim woman entering into the profession, possessing few commitments outside the professional field, may deploy assimilation strategies in order to maximise her future career trajectory. As she progresses through her career, her commitments and internalised priorities organically evolve. Seismic circumstantial changes, such as marriage and motherhood, provide new challenges to be maintained alongside her pre-existing professional, private and cultural responsibilities. The *modus vivendi* is adjusted accordingly: her professional motivation may become less future-focused and goal-oriented, and increasingly conciliatory (Tomlinson et al., 2013: 257).

Moreover, I argue that a Muslim woman's strategic responses need to be understood with reference to the rapidly changing socio-political environment. Chapter 1 had reflected upon the hostile representations of Islam and Muslims within cultural and political discourse, perpetuated by the rise of the populist right and public anxiety after 7/7. Within the narratives of the Muslim women in this study, the fears of increasing Islamophobia had indicated conscious behavioural changes in negotiating professional relationships: for example, preparing to actively 'break' damaging stereotypes, or conversely to 'keep their faith close'. This, again, is explored in subsequent chapters.

The conceptualisation of agency as a spatial and temporally-embedded dualism provides a significant contribution to our understanding of reproductive discriminatory practices, and the potential for reformation within professional spaces. These accounts provide the foundations for further explanatory work into the difficulties of significant organisational reform, and the endurance of continued structural barriers for minority groups in light of equality regulations and frameworks (Tomlinson et al. 2013: 247).

2.3.4 Bourdieu's 'Conceptual Toolkit': Habitus, Field and Capital

Similar to Giddens' structuration theory, Pierre Bourdieu's theory of practice offers a compelling conceptualisation of the relationship between individuals and professional organisations. In his own efforts to transcend the limitations of methodological objectivism and subjectivism, Bourdieu advocates a hermeneutic approach in locating agency, providing for the complexity and shaping potential of everyday lived experience. Escaping from the totality of structure, he argues:

It is necessary to pass from the *opus operatum* ['the work wrought'] to the *modus operandi* [the 'habits'], from statistical regularity to or algebraic structure of this observed order, and to construct a theory of practice' (1977: 77)

Through his rejection of the deterministic explanations of structuralism, Bourdieu is careful to avoid attributing individual action to wholly conscious and deliberate intentions (Bourdieu, 1987: 61, Jenkins, 1992: 66). Instead, his work aims to provide a 'set of thinking tools' (Bourdieu and Wacquant, 1989: 50). Through the core concepts of field, habitus and capital, Bourdieu able to formulate the dialectic between structuralist objectivism and subjectivism.

Despite its foundations firmly entrenched within social class, Bourdieu's conceptual toolkit sits comfortably alongside the work of Archer and Emirbayer and Mische's theorisation of agency; offering an attractive degree of explanatory insight into Muslim women's action and choice within the legal profession. The concepts of habitus and capital, in particular,

situate past experience of actors - in terms of the domestic sphere, family dynamics (including of sexed divisions of labour within the household), education and economic positioning - and their consequential structuring impacts on individual positionality (Bourdieu, 1992: 54). Arguably, it is the necessity of habitus and cultural capital which enable an individual to correctly estimate and seize 'potential opportunities' that are theoretically available to all (1992: 64). Therefore, a Muslim woman's experience can only be understood with reference to her own structural position, as she acts within the limits of the social spaces she occupies.

Professions require their members to embody an appropriate identity: historically evolved through direction of standardisation, and occupational closure mechanisms (Larson, 1977). Becoming a 'professional' requires the habitualisation of objectivity and neutrality, enabling the reproduction of the 'disembodied', 'bleached out professional' (Levinson, 1993; Wilkins, 1998: 1505) which is, in reality, distinctively raced, classed and gendered (Sommerlad, 2007; Wilkins, 1998). A Bourdieusian approach supports the notion that professional organisations are thereby 'systems of power imbued with race, gender, class and other social categories' which (re)produce cultures open to change, but broadly unwelcoming to outsiders (Sommerlad, 2007: 194). Subtle identity markers, such as accent and dress, are powerful indicators of one's socio-economic and ethnic background, revealing an (in)compatibility which can directly impact upon an individual's professional mobility (2007: 200). In addition, the embodiment of visibly divergent Muslimness remains deeply alien to the professional norms; a covert concern which is intrinsically difficult for professional associations to remedy. Before examining the operation of habitus and capital for Muslim women, it is useful to explore these concepts in more detail.

Habitus

Bourdieu's idea of habitus forms a mediating link between the dualism of structural objectivist and subjectivist thought (Bourdieu, 1977; 1987; 1992). Habitus is a product of

history, working to 'produce individual and collective practices - more history - in accordance with the schemes generated by history' (1992: 54). As Durkheim suggests (1977: 11):

In each one of us, in differing degrees, is contained the person we were yesterday, and indeed, in the nature of things it is even true that our past personae predominate us [...] it is just that we don't directly feel the influence of these past selves precisely because they are so deeply rooted within us.'

Habitus is, therefore, a 'structured and structuring structure' (Bourdieu, 2010 [1984]: 170): structured by an individual's past and present circumstances (background, education etc.), structuring to shape present and future actions, and a systematically ordered structure in its own right (Maton, 2014: 50-1). This past social experience gives rise to a series of dispositions which we determine how we perceive, judge and act within the world (Wacquant, 2008: 26). Whilst these dispositions are not fixed (Bourdieu, 1992), they are durable over time, transposable in nature (1993: 87), and transferrable into different fields. Moreover, these dispositions are embedded and unconscious (1994: 160). They are shaped by the practices of actors, their interactions with each other and their environment (Jenkins, 1992: 75), until these dispositions become what Bourdieu terms as 'embodied history', or 'internalized second nature' without active consciousness (Bourdieu, 1990: 56).

Bourdieu refers to the transmission of bodily *hexis* as an essential component of habitus; the *modus operandi* which guides practical mastery. The bodily *hexis*, developed through assimilation and repeated familiarisation, follows systematic techniques associated with varied social meanings and values:

a way of walking, a tilt of the head, facial expressions, ways of sitting and of using implements, always associated with a tone of voice, a style of speech, and (how could it be otherwise?) a certain subjective experience. (1977: 87)

Of course, habitus itself is only meaningful in relation to the specific social space under examination (Bourdieu, 2005: 148). Bourdieu often references the engagement between habitus and a field through an analogy of a 'game'. Thompson supplies the imagery of a football game - perhaps fitting, considering Bourdieu was a keen player of the sport in his earlier life. The social field is the pitch upon which the match is played, occupied by agents (or players) bound by the established rules of the game (2014: 65). Successful players are observed to have a 'feel for the game' (Bourdieu, 1990: 66-7), which Bourdieu defines as the 'practical mastery acquired by the experience of the game, and one which works outside conscious control and discourse' (1987: 61). The structure and regularities of the game are learned through the formal teaching/ coaching and, for Bourdieu, experientially (by playing!) (Jenkins, 1992: 71; Thompson, 2014: 667). Thus, the actors do not arrive on the field with a full knowledge of these rules but come to acquire them through time and experience, forming the essence of their practical understanding (Maton, 2014: 53).

The source of practical logic is the habitus of the individual; the 'social game embodied and turned into second nature' (Bourdieu, 1987: 63). It is important to note at this point that habitus is self-realising. In other words, it only becomes active (and useful) in relation to a specific field. The same habitus embodied by a multitude of actors can lead to different practices and outcomes, depending on the state of the field (1987: 116). This is crucial when observing professional recruitment strategies. For example, if an individual's habitus closely matches that of the professional field, they become attuned to the 'feel of the game' and its underlying *doxic* practices (Maton, 2014: 56; Bourdieu, 1990: 66). This game analogy is not dissimilar to that proposed by Erving Goffman (1969): comfortability guides practical success, as will be explored later in this chapter.

Capital and Social Reproduction

Alongside an actor's embodied dispositions, their past and present positionality within the social area is of strategic significance (Bourdieu, 1977: 82). The field is not a level playing field, and some players find themselves distinctly advantaged from the outset (Thompson, 2014: 67). This multidimensionality of the social world can be constructed empirically through the discourses of individual differentiation: forms of capital which, like 'aces in a game of cards', can become efficient in the struggle for scarce resources (Bourdieu, 1987: 3). Thus, capitals are consequently able to confer strength, power, and ultimately profit, onto the beholder (1987: 4).

The concept of 'capital' is normally defined in terms of monetary exchange, or what Bourdieu terms 'mercantile' exchange. (Reay, 2004: 74; Bourdieu, 1977). As Moore suggests, Bourdieu attempts to expand the category beyond the economic to encompass culture more generally (2004: 446). Thus, power and dominance within a field does not derive from the sole possession of economic wealth, but also from the possession of cultural and societal resources (Crossley, 2014: 86). Bourdieu categorises capital into four distinctive forms: economic (including financial), social (societal connections), cultural (manifest in the 'embodied state' of mental dispositions, the 'objectified state' as cultural goods, and the 'institutionalised state' as educational qualifications), and symbolic (Bourdieu, 1986: 84-5). The mercantile form remains the most visible, but is manifest in both cultural and social forms, even though their 'values of aesthetic and altruism' deny its practical involvement (Moore, 2004: 446). The possession of a desirable capital within a social field is a valuable resource, which can be translated into forms of advantage. Both social and cultural capital, deployed in the relevant field, transubstantiate into economic advantage. In this sense, the field is dependent upon capital, as well as producers of it (Thompson, 2014: 67).

Social Positionality

However, an agent's capacity to procure meaningful change is not equally distributed (Francis, 2011: 25, Battilana, 2006). Building upon Bourdieu's conceptualisation of fields, Battilana proposes that an individual's position within a social field is central to understanding how they organise to procure divergent change as 'institutional entrepreneurs' (2006: 656; Battilana and D'Aunno, 2009: 37). These entrepreneurs are a heterodox group amongst a 'constellation' of others: adopting leadership roles in the process of institutional building (Eisenstadt, 1980: 848). Dependent on their positions within the organisational field, the agent will have a subjective 'point of view' of the field (Bourdieu, 1988: 782), as well as access to different resources within it (Battilana, 2006: 656). In order to induce organisational change, an actor must both have the willingness to act, and sufficient resources available. Furthermore, their reformist capabilities are heavily contingent upon the social status of the organisation and of the individual within it (2006: 662), and whether they have a vested interest in preserving or dismantling the status quo (2006: 661). An individual who benefits from high status within the profession may have the power and resources at their disposal, but remain unwilling to challenge the institutional arrangements which benefit them. Lower status, or minority groups receive less preferential treatment by the prevailing professional structures. For this reason, minority groups such as Muslim women possess a greater incentive to modify the institutional arrangements which disadvantage them; however, they are likely to encounter significant difficulties accessing the necessary resources to procure divergent change (2006: 663-4). The question posed in this study remains whether they are able to adequately strategise to overcome these difficulties.

Bourdieu, Gender and Race

Bourdieu invokes habitus and cultural capital to explain social class, and classed reproduction within social structures, and hence mechanisms for the continued transmission of social inequality (Bourdieu, 1986: 243). In essence, individuals who are located within a

certain social space are more likely to possess a similar amount of financial resources, and to live and socialise in the same places. In addition, they are inclined to adopt similar lifestyles, outlooks, habitus and a 'tacit sense of their place in the world' - 'class unconsciousness' (Crossley, 2014: 91). In *Reproduction*, Bourdieu and Passeron explore classed unconsciousness within the educational arena, observing that children from culturally wealthy backgrounds inherit their familial wealth through the form of embodied dispositions; both recognised, and highly valued by their teachers (2000: 74; Crossley, 2014: 98). Debra Schleef similarly identifies in her study of US business schools the connection between the inheritance of wealth and cultural traits, and classed reproduction in students. Their choices have been pre-circumscribed: their embedded social milieu prevents them from straying too far into occupations outside of the 'elite' (2006: 200). Subsequently, the harmony felt between one's own dispositions and the cultural demands from inside the professions effectively attracts individuals who are already adjusted to them: they feel 'made' for the jobs that are 'made' for them'. (Bourdieu, 2010: 110).

In his critique of Bourdieu, Lovell questions how it would be possible for women entering into professional fields to be able to develop the masculine habitus accurately, when they would have been previously denied access in early life to the practices upon which the male habitus was founded (Lovell 2000: 12-14). Due to its shortfalls, Lovell concludes that the conception of habitus is akin to structuralism, and consequently is no closer to accounting for human agency with the concept of an individual only being shaped to become 'what she already was' (2000: 15).

Furthermore, for the context of this study, Bourdieu does not explicitly expand his ideas on classed reproduction towards other markers of social disadvantage. Lovell identifies that Bourdieu's sociology becomes dangerously close to positioning sex, gender and race as secondary towards social class (2000: 27). Whilst 'race', in the form of 'whiteness', is quietly

present within his work³, Bourdieu provides little information as to how raced and ethnicized markers intersect with class in the formation and reproduction of capitals. For Rollock, it is the embodied dispositions that comprise a good 'fit' within a social field, which conversely keep the Black middle-classes on the brink of middle-classness (2014: 449). Subsequently, the normative standard remains white; the cultural and social capitals supplied by Blackness do not supply advantage within the distinctively raced professional fields.

Despite its pitfalls, I argue that Bourdieu's conceptual toolkit provides significant explanatory value in colouring our understandings of traditionally marginalised groups. Bourdieu's concepts of habitus, field and capital offer the mechanism for unearthing the complexities of, and contributions to, social (dis)advantage (Wallace, 2016: 2; Bourdieu and Wacquant, 1992). It allows the structuring properties of racialised, sexed and classed backgrounds to be shifted sharply into focus, and its influence on entry and progression within the legal professional field. The profession's demands for a wholly compatible habitus and cultural capital (Francis, 2015: 179) allows for the comfortable passage for those who are able to readily embody it, as a 'fish in water' (Bourdieu and Wacquant, 2002: 127-8).

2.4 Access and Working Identity

2.4.1 'Passing' as a Solicitor

As discussed earlier, the profession's historical closure, and homogenised white-male dominance (Sommerlad 2003: 197, see also Witz 1992) contributes to the normative sexed, classed and raced professional identity. Within a space hostile to 'outsiders', non-traditional groups must quickly learn to habituate and embody these hegemonic behaviours as a precursor to success.

³ Bourdieu's early ethnographic work *The Algerians* (1962) partly acknowledged the influence of race in addition to class, albeit from an Orientalist lens. Despite this, as Puwar (2008) argues, Bourdieu firmly remains within the category of sociologists who do not consider post-colonialism, race and class together.

Entrants thus face the sizable task of demonstrating the appropriate cultural capital; assessed against the criteria of professional 'norms' and often reflective of cultural assumptions about gender and race (Sommerlad, 2011a: 96). In essence, competitiveness is predicated on an individual's ability to 'fit in'; or, to 'pass' seamlessly within the firm's established homogeneity. Sara Ahmed examines the social politics of 'passing' in relation to racialised bodies, denoting a method of 'transgressing' constructed racial (and arguably gendered) boundaries (1999: 89): a process of hybridisation or, temporally passing 'through and between identity itself without origin or arrival' (1999: 88). Passing is not identifiable as a discrete practice, but only in relation to a complex myriad of social antagonisms and power dynamics. One may 'slip between identifications' to gain access to resources they could not reach otherwise, or one may inadvertently pass, without the active knowledge/ desire to (1999: 88, 92). Placing her work within the context of North American society, she differentiates between a Black individual 'passing' as white, and a white individual passing as white within a given field. The dichotomy between Blackness and whiteness does not exist in an essentialised state prior to passing. Rather, it is the structuralised differences that demonstrate that 'passing involves the reopening and re-staging of a fractured history of identifications that constitutes the limits of a subject's mobility'. The white individual who is deemed white by structural identifications possesses a degree of comfort and security from identity, which is not liveable or representable within daily life (1999: 93). Likewise, an individual with the desirable social identifications will, like a white person 'seeking' to pass as white, unconsciously embody a habitus that provides security and opportunity in the field; away from direct scrutiny and internalised introspection. In other words, they are likely to find their chances 'being read' by others (Butler, 2004: 6), and feeling at 'home' (Bourdieu and Wacquant, 2002: 208) as a solicitor much more successful. Ahmed's conception of 'passing' or 'fitting in' will guide the remainder of the analysis.

2.4.2 Performing Identity: Micro-aggressions and Racial Stereotyping

Evidence of compatible habitus and cultural capital can be read from the very outset of recruitment. Despite a 'colour blind' approach pledged by the regulatory bodies (SRA, Code of Conduct 2011: Ch.2; Sommerlad, 2011a: 96), an actor's physical characteristics continue to play a substantial part in assessing the suitability of a candidate for selection. The professional field is visibly marked by race: whiteness is interwoven into its structural fabric. However, racial identification, rather than a differentiation based upon whiteness, Blackness, 'Asianness' etc., is reduced to the absence or presence of colour (Ahmed, 1999: 88). Within a firm dominated by white individuals, BME actors who do not visibly 'pass' as white are immediately differentiated as 'outsiders', their disjuncture not only located within skin colour, but rooted to the unfixed and unrecognised ethnicisation of minority groups (Vignaendra et al., 2000: 136; Tarlo, 2010: 10; Gilkes, 1982; Modood, 2004).

The visibility of non-whiteness places them at risk of stereotyping and aggravating micro-aggressions within the professional domain (see Yosso et al., 2009), with the dominant group making assumptions about the outsider groups. Racial micro-aggressions are 'subtle, innocuous, preconscious, or unconscious degradations, and put-downs', which foster an unsupportive environment, and a pervasive 'sense of rejection' (2009: 459). Evidence of distinctively Islamophobic micro-aggressions was detailed by the participants. Furthermore, stereotypical typologies can be either beneficial or damaging to an individual's claim to professional identity. Carbado and Gulati suggest in their US based work, by way of example, a Korean-American lawyer being read in differing ways: as 'hardworking' (positive), and 'shy' (negative) (2000: 1269-70). Reinforcement of the positive stereotypes may increase the mobility prospects of the individual, whereas negative reinforcements work to tarnish the individual's perception. Negative value may also be placed on skin colour, a difference which is hyper-visible against the normative whiteness (Ahmed, 1999: 88, Gilkes, 1982). Vignaendra

et. al.'s research suggests that these value judgements based upon perceived racial/ethnic difference was at the heart of the challenges faced by Black and Asian lawyers', ranging from being mistaken as the client, to being perceived as 'exotic' or even 'aggressive', characteristics which were looked upon disdainfully by the profession (2000: 140).

Unfortunately for a Muslim woman, to counter negative assumptions requires an extra level of identity work (Carbado and Gulati, 2000: 1269); a frequently 'risky strategy' (2000: 1277) which, as Vignaendra et al. argue, can come at a sizable psychological and personal cost (2000: 141). Furthermore, emergent bodies of literature have suggested the correlation between a negative 'stereotype threat' and underperformance by minority groups, having particular effects on self-confidence, self-integrity and overall well-being over time (Steele and Aronson, 1995; Silverman and Cohen, 2014; Pierce, 1995).

Echoing Modood's (2005) postulation of 'cultural racism', and the quasi-ethnicisation of Islam (Meer, 2008), it is arguable that Muslims are placed at risk of additional challenges surrounding their religious affiliation, in addition to their race and sex. Discussed in Chapter 1, the rise of Islamophobia, and decline of the multiculturalist framework within the UK, placed a bright spotlight upon Muslims. Popular discourse contributes to the construction of an 'otherness', which besets a plethora of potentially damaging stereotypes (see Tarlo, 2010). Women who choose to veil risk subjection to heightened scrutiny; their agency ignored as they are forced to continuously resist accusations of oppression and subjugation (Navarro, 2010). As Carbado and Gulati suggest, the firms themselves can be conceived as 'identity producing racial bodies', bodies which produces and makes promotional decisions based on racial stereotypes (2004: 1657). Rather than concerning standard racial categories of Asian, Black, white etc., they argue that non-white identity can either be read as 'racially palatable' or 'racially salient': a person is only palatable if perceived to be unsterotypically non-white (2004: 1658) or, viewed as an 'acceptable exception' to her ethnic group (Vignaendra et al.,

2000: 140-1). Therefore, it is perfectly plausible that a *Hijab* wearing Muslim woman may be quietly perceived as racially salient; her *Hijab* deemed unacceptable capital, whereas her non-*Hijab* wearing counterpart is more readily considered racially palatable notwithstanding any negative value attached to her race.

Indeed, a 'politically correct' visible display of diversity, particularly amongst ethnically diverse clientele, can be profitable for the firm if combined with other indicators of capital, such as the right class, race and educational warrants (Sommerlad, 2007: 206), providing a marked exception to the rule. Race, class and gender can often cancel each other out (Brah, 1996), and one may compensate for the others (Puwar, 2004: 127). Therefore, an individual wearing *Hijab* potentially provides an invaluable market resource to firms seeking to connect with a more diverse clientele base; increasing the capacity of their business to expand to new, globalised markets (Braithwaite, 2010: 452) whilst also fulfilling the formalised equality demands placed upon the firm. Socio-economic class can mitigate the negative effects of race, gender and religion, as the individual's social trajectories 'immersed them in a habitus that is immediately adjusted to the immanent demands of the game' (Puwar, 2004: 126). Muslim women with elite backgrounds, for example, will be inclined to have a habitus which affords greater ontological complicity than those who have not. They are able to strategically deploy their class advantages amidst racial and Islamophobic inequalities (Wallace, 2016: 917). At the same time, however, their gender and race will continue to 'put them out': their professional identity akin to an 'ill-fitting outfit'. Thus, the act of 'passing'/ fitting is highly nuanced. Elite Muslim women 'feel the weight' of the professions' white, non-Muslim masculinity, whilst experiencing a greater complicity by virtue of their background (Puwar, 2004: 127). In this respect, the intersection of race, religion and gender contour a Muslim woman's lived experience of classed advantage.

2.4.3 Learning Identity: Formation, Employability and Work Experience

Passing is not solely contingent upon the visible exterior. A core feature of late modernity has been the development of reflexive individualisation (Baxter and Britton, 2001: 88; Beck, 1992). The widening of higher education has led to an increased demand for marketable personal capital, in conjunction to their educational credentials. As Brown and Hesketh argue, in a changing marketplace centred around performance and results, great importance is attached to recruiting people who are able to 'hit the ground running' (2004: 32; Bourdieu and Wacquant, 2002). In Bourdieusian terms, '[they] merely need to be what they are in order to be what they have to be' (1990: 11). Candidates are increasingly excluded for lacking the personal qualities for professional and leadership roles, rather than lacking the appropriate credentials (Brown and Hesketh, 2004: 34).

Despite its unconscious and embodied nature, Bourdieu's work arguably does make concessions for the fluidity of habitus: its ability to be manipulated and transformed (Baxter and Britton, 2001; Giddens, 1991). This is an active act of agency; as Brown and Hesketh argue, an individual's marketability must be 'worked at' as a 'reflexive project of the self' in order to package themselves in ways which are attractive to potential employers (2004: 220):

the normal biography becomes the 'elective biography', the 'reflexive biography', the 'do it yourself biography. This does not necessarily happen by choice, nor does it necessarily succeed. The do it yourself biography is always a 'risk biography', indeed a 'tightrope biography', a state of permanent (partly overt, partly concealed) endangerment. (Beck and Beck-Gernsheim, 2002: 3)

For Muslim women, this reflexive 'reshaping' is theoretically possible, albeit challenging. Identity is formed through immersion in culture and continued activity, through 'doing' (Manderson and Turner, 2006: 650). Personal capital (and associated habitus) can be 'worked on' at varied points throughout an individual's training, such as early work experience

and vocation schemes (Francis, 2015; Francis and Sommerlad, 2009), and subsequently maintained through continued socialisation (Sommerlad and Sanderson, 1998; McGlynn, 1998; Manderson and Turner, 2006). In times of credential inflation (Tomlinson, 2008: 51), academic qualifications were more likely to be seen as a mere 'box ticking exercise' in recruitment selection (Brown and Hesketh, 2004: 31). Thus, the most successful applicants will be those who are able to distinguish themselves with the necessary cultural capital and intellectual ability (Francis, 2015: 183).

University provides a critical site of identity negotiation for future professionals (see Larson, 1977). Students can develop new cultural capitals with a change in class-based habitus within an academic setting (Bourdieu, 1986; Baxter and Britton, 2001: 89), potentially providing a break from their former habitus. Manderson and Turner, in their study of 'coffee houses' in Canada, identify the rituals of eating and drinking as having substantial significance in the development of professional habitus and capital for law students (2006: 651). Similar to events within UK institutions, these coffee houses provide ample opportunities for 'networking' with the attending lawyers, with a possible eye to recruitment (2006: 657). Manderson and Turner argue that these rituals provide an important space for a student to 'try on' the professional identity for size: to reflexively assess their compatibility, and engage in a performance of belonging (2006: 662-5). In return, the experience actively constructs the student's own desires, and reinforces their wishes to perform that particular role within society (2006: 663; Butler, 1990: 30). However, it is the individual's own social and cultural capital which will allow them to feel ease with the environment (Manderson and Turner, 2006: 665); making the events a significant opportunity to connect for some, and an uncomfortable practice for others.

Copious amounts of alcohol often feature heavily in professional life (2006: 664, Nairn, 1996: 92, Sommerlad and Sanderson, 1998), bringing about a distinctive set of challenges for

teetotalers, a problem which continues well into professional life. As Vignaendra et al. suggest feeling comfortable within these environments, particularly around alcohol, may be very difficult for BME groups. Not only is the practice of drinking alcohol not shared amongst some cultures (2000: 140), but this dissonance can be intensified through their own religious prohibitions surrounding the consumption of alcohol. This creates a particular problem for Muslim actors, who may deem socialisation with the presence of alcohol as highly inappropriate in accordance with their faith; particularly if held within 'foreign' locations, such as bars or clubs (Hopkins, 2011: 165). At university, these pressures to network arguably may be easier to avoid, albeit at the cost of missing out on the development of marketable capital. Within firms, this task becomes more difficult, as will become apparent in the narratives of Muslim women. Additionally, socialisation itself requires a level of knowledge with a community that is dissimilar to their own, as well as the ability to engage with conversations potentially outside their own comfort zone; a process which further hinders their participation and progression within the firm (Vignaendra et al. 2000: 140). This results in a divided habitus, where students are potentially left 'stranded between two worlds' (Baxter and Britton, 2001: 99):

Such experiences tend to produce a habitus divided against itself, in constant negotiation with itself and with its ambivalence, and therefore doomed to a kind of duplication (Bourdieu, 1999: 551)

Similarly, work experience provides a further opportunity to practice and polish the normative professional identity demanded by firms in their graduate recruitment (Francis, 2015: 179-180). Work experience is a common gateway into the professional markets, particularly for larger firms and the corporate sector that frequently deploy formal vacation schemes as a method of recruitment (Francis and Sommerlad 2009: 64). These events allow graduates to actively demonstrate their employability (Francis, 2015: 182) through their

developing sense of the 'game' as well as their ability to play it. Work experience allows students to acquire the social language of law and gain self-confidence, in a self-conscious reshaping of the self (Baxter and Britton, 2001: 94).

However, notwithstanding the profession's rhetoric of being 'open to everyone' who meets the educational requirements (Francis and Sommerlad, 2009: 74), in practice these valuable opportunities still fall outside of the grasp of many 'non-traditional' applicants. This is in part due to the 'socially conservative' approach to selection upon academic ability, which focuses upon traditional markers of competence, such as strong A-levels, and degrees from old universities (2009: 75, Sommerlad 2007, Collier 2005: 57). This focus forms a stumbling block for working class students, who had little opportunity to attend universities within the Oxbridge/ Russell Group categories, and falling shy of the educational requirements for some firms.

Furthermore, social capital in terms of patronage or familial relationships can be out of reach to many members of ethnic minority groups. As Anthias suggests, the social capitals and ethnic bonds possessed by ethnic minorities groups remain poorly valued within society, and do not easily translate into forms of socioeconomic advantage (2007: 788). Institutional structures, therefore, reproduces the whiteness of institutions; exclusion is the failure 'to provide for non-white others because of a difference that is somehow 'theirs'' (Ahmed, 2004a: 2)

2.5 Motherhood and the Professional/ Private Divide

Margaret Thornton, in her study of the Australian legal profession, theorises that the 'othering' of women solicitors is 'systematically factored into the structure of contemporary legal practice, and also lodged deep within the recesses of the legal psyche' (1996: 8). Thus, women remain 'fringe-dwellers' of a professional system which juxtaposes femininity and

domesticity, with the professional values of rationality, universality and legality (1996; Thornton and Bagust, 2007). It could be argued that a significant proportion of the equality and diversity issues surrounding female accommodation derive from socially gendered discourses, particularly relating to the conceptions of breadwinning (Muzio and Tomlinson, 2012: 460; Pateman, 1988), childcare (Webley and Duff, 2007) and professional commitment (Sommerlad and Sanderson, 1998). These factors continue to shape a woman's career trajectory to a much greater extent than her male counterparts (Muzio and Tomlinson, 2012: 460).

The transformation of the legal profession over the past few decades has seen the emergence of 'commercialised' professionalism (Hanlon, 1999), as elite firms aggressively seek out new global sites of expansion. The increasing demands of powerful clientele, alongside technological advancement and harsh market competition, have collectively contributed to an insidious discourse of 'hyper-competitiveness' amongst their lawyers (Sommerlad, 2012: 215; Thornton, 2014: 154-5). The hyper-competitive ethic demands that lawyers work longer hours, and to be available 24/7 to their corporate clients (Wald, 2010: 2263). Smaller legal aid funded firms have not been spared these pressures. Legal aid lawyers are often subjected to a combination of rigorous targets and performance indicators, greatly increasing the amount of non-chargeable work each lawyers must perform (Sommerlad, 2012: 218). For Wald, this emergent hypercompetitive ideology frames the 'ideal candidate' as one who can not only meet meritocratic credentials, but is also willing to sacrifice their private lives (2010: 2272). As Smithson and Stokoe indicate, the zenith of this is women attempting to contain pregnancy and motherhood within a typically 'male model' of work (2005: 148; Blair-Loy, 2001). In essence, women must work like 'surrogate men' instantiating, as Thornton argues, a 'form of patriarchal domination', compounding the pre-existing biases towards women in authority (2014: 155).

In the past, men within the profession have been able to monopolise the public sphere (Thornton, 1996: 441), consequently shaping childcare discourses to their own advantage; hence maintaining their visible dominance within the professional sector. Although the profession's emphasis is now placed upon 'families rather than gender', the demands of 'family' is still much more heavily felt by women (Thornton and Bagust, 2007: 779). Women are socially assigned to be primary carers for their children (Thornton, 1996: 239; Sommerlad and Sanderson, 1998); allowing their male counterparts to have a relatively uninterrupted career pathway to pursue their own mobility aims. Thus, the male is constructed the responsible 'breadwinner' (Pateman 1988: 116, McGlynn 1998: 101), whilst the female is the dependent, located within the domestic structures. Even when the female moves into the working life, she never loses her position within the household, but simply lengthens her working day (Pateman, 1988: 140) as full time worker, and full time mother. Consequently, women tend to demonstrate patterns of progression which are much less linear than their male counterparts (Krakauer and Chen, 2003: 68), often relying on the availability of part time/ flexible working patterns which have the potential to 'derail' lawyers from partnership tracks (Noonan and Corcoran, 2004: 131; Thornton and Bagust, 2007).

Given the woman's biological and societal position as mothers, this adversely impacts their professional trajectories in two ways. Firstly, it is women who bear the brunt of domestic or caring responsibilities; leaving less time to meet the demands of the firm (McGlynn, 1998: 10) or for additional capital development opportunities such as socialising and networking (Sommerlad and Sanderson, 1998; Webley and Duff, 2007). Woman must arrange childcare (McGlynn, 1998: 102), frequently without a domestic spouse to automatically relieve them of the responsibility (McGlynn 1998: 102, see also Sommerlad and Sanderson 1998).

Secondly, the woman needs to take time out for the biological process of childbirth. The consequences of maternity leave fractures the normative professional pathway

(Sommerlad and Sanderson 1998: 200). For those who leave on maternity, the firm must seek to find temporary replacements and reorganise their billable hours, which risks highlighting the 'dispensability' of the worker in question (1998: 201). Moreover, in order to negotiate a strong position back into the workplace after childrearing, a woman must establish her reputational capital as a lawyer before her career break: developing a secure client base and solid reputation before she starts her family. This critical capital development takes time, influencing women to potentially delay having a family until their position within the firm has been solidified into more senior or partnership levels (Thornton, 1996: 243).

The overwhelming pressures of maintaining the work/life balance, in conjunction with the gendered division of domestic labour, increase the likelihood that women will 'choose' flexible or part-time work within her firm (Noonan and Corcoran, 2004: 132-133). Choice itself is a highly problematic construct (Sommerlad and Sanderson, 1998): a choice cannot always be assumed to be a 'free' choice, but potentially constrained through the expectations of family, colleagues, religion or the wider culture (Noonan and Corcoran, 2004: 132; Thornton and Bagust, 2007: 780). This has led to a dichotomy between the 'mommy track', and the 'career track' within North American literature (Thornton, 1996: 241, Noonan and Corcoran, 2004: 133, Rhode, 2001); or, the differentiation between 'special treatment', and 'equal treatment' (Thornton, 1996: 241). Finding themselves on the 'mommy track' stigmatises mothers (Noonan and Corcoran, 2004: 133); representing themselves as 'not really being serious about their careers', with their primary loyalty held within the domestic sphere. This rhetoric of 'choice' is dominant within human capital theory (Hakim, 1996), used to explain and justify the disparity between male and female experience of the profession. Women 'choose' to work in particular areas and choose to have a family. Thus, these individuals must accept that these 'choices' have consequences (Rackley, 2013: 61). McGlynn further suggests a firm may read this 'choice' as having 'chosen' not to partake in commitment expectations, and therefore accept that this lowers their chances of being taken seriously by their employers (1998: 102).

Conversely, women (and men) who do not have children are thus seen as 'genuine careerists' (Thornton, 1996: 241), who are able to firmly demonstrate their commitment to the masculinised professional structures.

These limiting effects are not isolated to mothers, but have the potential to impact all women as a collective issue. Whether an individual 'chooses' to have a child or not, they will be classified as either 'mothers', or 'potential mothers' (Korzec, 1997: 121), potentially susceptible to the same stigmatisation when advancing their careers.

However, we cannot neglect the heterogeneity present within female populations; as Thornton and Bagust warn, collapsing the multiple experiences of women is deceptive (2007: 2248). There is a scarcity of narratives illustrating the challenges Muslim mothers face in legal spaces, and their experiences of the professional 'work/ life' balance have largely been under-researched. Hill Collins further reminds us how the dominant discourses of gender normativity, entrenched in whiteness, impact upon women of colour:

all women engage in an ideology that deems middle- class, heterosexual White femininity as normative...These benchmarks construct a discourse of a hegemonic (White) femininity that becomes a normative yardstick for all femininities in which Black women typically are relegated to the bottom of the gender hierarchy (2004: 193)

Muslim women may embody divergent constructions of motherhood and domesticity, derived from a complex tapestry of cultural, ethnic and religious values, underscored through race and gender. This diversity means that no single theory can be uniformly applied to explain female experience. This is explored in depth within Chapter 4.

2.6 Professional Location

Institutional structure and professional habitus, as explored in the sections above, can be seen to be constraining the availability of choice to these marginalised actors. Due to the

specific social constructions of the field, non-traditional 'outsiders' such as Muslim women may be seen as lacking the requisite human, educational and cultural capital (see also chapter 1) for full accommodation within the profession. Statistics are increasingly showing that law firms and barristers' chambers are patterned by segregation and segmentation on gendered and ethnic lines (Tomlinson et al., 2013); a characteristic which has also been observable within the United States (Wilkins, 1998). As discussed earlier, due to the barriers presented by their race, gender and religion, women and ethnic minorities may be channelled into areas of lower pay and prestige (Nicholson, 2005: 204), contributing to the further subordination of these groups. BAME groups in particular may find difficulties being admitted to jobs in more elite firms (see further Wilkins and Gulati, 1996, Nicholson, 2005) through their own potential lack of educational, social and cultural capital, whilst being susceptible to negative stereotyping (Carbado and Gulati, 2000, Vignaendra et al., 2000) and sometimes overt discrimination (Nicholson, 2005: 205).

Furthermore, the Law Society's 2010 report *Ethnic Diversity in Law Firms: Understanding the Barriers* expressed concern over stories of ethnic minorities being 'groomed' for careers in lower paid areas of law, in contrast to their white counterparts. In addition, this group are significantly less likely to be mentored than their white counterparts (2010b: 5; Ashong-Lampsey, 2014), affecting the development of human capital and promotional prospects (Tomlinson et al., 2013). Thus, Wilkins and Gulati observe:

The inevitable scarcity of training opportunities pushes associates along informal, but nevertheless identifiable, career paths almost from the moment they arrive. The few associates who get on the training track will receive interesting work, meaningful training, supervision and supportive mentors. The others will end up as flatliners drowning in a sea of routine paperwork. (1996: 656)

Left with substantially fewer options and mentoring resources available to them, BME lawyers are more likely to be positioned within exclusively or predominantly ethnic firms, or 'ghetto' chambers (Nicholson, 2005) drawing much of their work from their own communities.

Religious practice or ritual may provide further explanation for minority group segregation within the profession, particularly for ethnic minority lawyers. For example, an individual of the Muslim faith, in conjunction with the pressures potentially felt on account of their ethnicity, may be influenced to work in niche firms due to the greater understanding of her cultural/ religious practices. As Al-Hibri illustrates, for some religious individuals, their religion is central to their own lives (1996: 947), and points to the potential difficulties in doing 'God's business' such as prayer and fasting whilst working in a fast paced, corporate firm (1996: 950). A follower of a religious faith may feel a greater sense of ease when adhering to religious dress codes, and a greater freedom to perform religious duties which may prove difficult outside a firm who does not share a sense of this religious understanding.

2.7 Conclusion

This chapter has focused on the position of Muslim women solicitors within the legal profession. Through the work of Larson (1977) and Abel (1988) it has constructed the profession as a 'collective mobility project', seeking market control through gendered, raced and classed systems of occupational closure, which will provide a framework for this study. In acknowledging the structural constraints of the legal field, it began to explore the agentic capacities of the Muslim woman solicitor, and strategies available to produce divergent structural change within the profession. The next chapter will examine the methodology used for this study, before moving to the data analysis.

Chapter 3. 'It's like I've known you for ages...' Constructivist

Grounded Theory and Interracial Interviewing

3.1. The Case Study

My choice of methodology is informed by a feminist, race-conscious epistemology. As the main focal point of the study, I am interested in capturing the reflective narratives Muslim women within the 'post-professional' era. My objective is to work closely with this case group, and develop a stronger understanding of their own past and current experiences of professional and firm life, as women who potentially crosses multiple markers of marginality. I focus on Muslim women as 'meaning makers', placing emphasis on understanding the 'particular cultural worlds in which people live and which they both construct and utilize' (Goldbart and Hustler, 2005: 16; Warren, 2002: 86). As Contractor (2010; 2012) argues, in order to challenge the negative stereotypes and generalisations surrounding Muslim women, we must attentively listen to their alternate narratives.

This chapter details the methodological tools deployed in this study. It begins by identifying the value of qualitative research, before evidencing the heterogeneity of the participant sample. Subsequently, it highlights the critical issues surrounding interracial research, before discussing the sampling and the analytic process through a constructivist Grounded Theory approach (Charmaz, 2014; 2017).

3.1.1 Qualitative Interviewing

The decision to use interviewing was made in the very early stages of the study design. Qualitative method is the most appropriate method to capture the complex narratives of Muslim women (Flick, 1998: 5), resulting in a highly rich data set:

qualitative interviewing is particularly useful as a research method for accessing individuals' attitudes and values – things that cannot necessarily be observed or accommodated in a formal questionnaire [...] when done well [it] is able to achieve a certain level of depth and complexity that is not available to other, particularly survey based, approaches. (Byrne, 2004: 182)

Byrne further suggests that this method is additionally useful when drawing upon voices and experiences which have been 'ignored, misrepresented or suppressed in the past' (2004: 182). I maintain that neither quantitative, nor survey approaches, alone would provide the sufficient depth to explore the research questions adequately.

I had intended idea to pursue a second quantitative element into the study, in the form of a survey. The original intent was to ascertain the geographical and sector distribution of Muslim women across the solicitors' profession, providing a contextual element to supplement the empirical data. This was dismissed for pragmatic reasons; including limited funding, and the natural time constraints of doctoral study. However, this remains an important question, and future exploration would add an invaluable contribution to research of this nature.

The research for this thesis was conducted through purely qualitative means: 12 separate face-to-face interviews with Muslim women solicitors, including 1 paralegal and 1 LPC candidate. The interviews were scheduled on a one-to-one basis, were semi-standardised and took place in a location of the participant's choosing.

Interviewing is a central method by which social science engages itself with issues of concern in contemporary society (Atkinson and Silverman, 1997). Interviews are based on conversational engagement with a participant, with an emphasis on the researcher asking questions and the participant answering (Warren, 2002: 83), in a process which 'offers the opportunity the creation an environment of 'mutual understanding and support' between

researcher and participant (Atkinson and Silverman, 1997: 305). This form of data collection reflects a constructivist epistemological framework, allowing the Muslim women to unveil their own constructed social realities to the researcher. We need not consider interview responses as true or false reports on reality; instead, we can treat the responses as displays of perspective, which draw upon the participant's available cultural resources (Silverman, 2014: 197).

In order to ascertain meaning behind the participants' words, physical face-to-face presence within the interview is essential. As Atkinson and Silverman suggest, the face-to-face mode enables a 'special insight into the subjectivity, voice and lived experience of the participant' (Atkinson and Silverman, 1997: 309). The decision to conduct the interviews in this manner was, in part, influenced through my own personal preference for this method over telephone interviewing. Novick points to the absence of critical visual cues and the potential for distraction within telephone interviews (2008: 393), although steps can be taken to mitigate these issues. In addition, rapport building is perceived to be more difficult in non-face-to-face interviewing (Irvine et al., 2012: 89). As Fielding and Thomas warn, 'interviewers need very effective communication skills to make the interaction "natural" while keeping an eye on the interview guide and helping respondents stay on topic' (2008: 253).

Before the interviews took place, a short questionnaire was distributed to each participant (Annex. B). This questionnaire was designed to collect background information on each participant, including age, marital status, number of dependants and ethnicity, along with questions to provide a broader sense of their socio-economic background. For example:

- What is your family's experience of higher education?
- What is your family's experience of the Legal Profession?
- What type of university did you attend?

The questionnaire's purpose was as a simple means of collecting vital information on each of the participants before interview; a method of gaining a quick 'snapshot' of their lives before our meeting. This supplied further value as a tool in aiding conversation within the interviews. Since I already had an outline of their social locations, and I was free to guide the conversation accordingly, or follow up/query any information given in the questionnaire. Following Charmaz, this questionnaire in conjunction with the detailed narratives of the interviews 'thickened' the descriptions given by the participants, thereby adding to the data's richness (2014: 23).

The question 'What is your religious belief?' featured in the questionnaire. Since the core sampling criteria was self-defined Muslim Women, I had included the options of 'Muslim Sunni', 'Muslim Sh'ia' and 'Muslim Non-Practicing'. In hindsight, as indicated by one participant, this question was insufficiently vague to accurately capture the complexity of religious conviction within my sample. I am therefore unable to accurately categorise the beliefs of each individual without making undue assumptions. As with any religious collectivity, 'Muslim' and 'Muslimness' is interpreted and adopted in different ways by each participant, which is not able to be quantified at this stage. However, the coding process revealed the variation and nuance in belief which underpinned the diversity present within their narratives. It would arguably be beneficial for further research to allow space within the questionnaire for participants to explore their personal connection with Islam. This may include an open ended question (e.g. 'how would you describe your religious beliefs?'), rather than a closed, multiple choice question.

3.1.2. Capturing Heterogeneity

My primary aim was to collect a sample that, insofar as possible, captured the diversity within the UK Muslim population. In order to achieve maximum heterogeneity within the sample, the inclusion criteria used upon recruitment were broad and self-defined. The

participants were required to identify as both a woman, as Muslim, and to be working within the legal profession. Specific restrictions were not placed upon the degree of religious adherence; consequently, the participants were given freedom to self-interpret the classification of 'Muslim'. This strategy consequently yielded a sample of individuals who brought their own meaning of 'Muslimness' to the interviews; representing firm adherence to a more liberal affiliation.

The study had initially been exclusively focussed around solicitors. However, the sample's parameters were quickly restructured to become more inclusive of individuals in training (i.e. an LPC student), and those working in closely-allied professions (i.e. Paralegals). This was in part due to my own limited exposure and connectedness to these communities, in conjunction with the difficulties faced in recruitment discussed later in this chapter. Instead of enforcing the stringent exclusionary criteria, I decided to welcome these participants as they appeared, and the data collected from them proved to be valuable in the emergent theory.

The final sample consisted of 12 individuals from varied backgrounds and sectors. The chosen sampling characteristics were namely age, marital status, children, religious belief, ethnicity, class and sector. These are detailed in Table 1 below.

Table 1: Identity Characteristics of the 12 Participants

Participant	Age	Marital Status	Children	Religious Belief	Ethnicity	School/University Attended	Post-Graduate Education	Family links to Legal Profession	Sector
Sana	22	Single	None	Practicing Sunni	British Pakistani	Pre-1992 <i>(Undergraduate)</i>	LPC	None, but has immediate family connections with other professions.	LPC Student
Miriam	34	Married	1 Child	Practicing Sunni	British Pakistani	Fee-paying school Russell Group <i>(Undergraduate)</i>	LPC	Immediate family working within legal profession	Commercial, Medium Sized City Firm
Parveen	26	Single	None	Practicing Sunni	British Pakistani	Russell Group <i>(Undergraduate)</i>	Masters' Degree LPC	Immediate family working within legal profession	Commercial, Medium Sized City.

Anisah	37	Married	2 Children	Practicing Shi'a	Indian	Fee-paying school Prestigious University in India <i>(Undergraduate)</i>	LPC	None, but has immediate family connections with other professions	Family, Medium Sized High Street
Halimah	25	Single	None	Practicing Sunni (wears hijab)	British Pakistani	Russell Group (Undergraduate)	LPC	None	Trainee, Medium Sized High Street
Sarah	26	Married	None	Practicing Sunni	British Pakistani	Pre-1992 (Undergraduate)	BPTC	None, but has immediate family connections with other professions	Personal Injury, Medium Sized High Street
Razia	27	Single	None	Practicing Sunni	British Indian	Russell Group (Undergraduate) Russell Group	Masters' Degree LPC	None	Corporate- Immigration, Large City

						(Postgraduate)			
Nosheen	33	Divorced	None	Practicing Shi'a	British Pakistani	Russell Group (Undergraduate) Russell Group (Postgraduate)	Masters' Degree LPC	None	Partner, Property, Medium Sized High Street
Dina	39	Single	None	Practicing Sunni	British Pakistani	Pre-1992 (Undergraduate)	LPC	None	Partner, Criminal, Medium Sized High Street
Taibah	24	Single	None	Practicing Sunni (wears hijab)	British Pakistani	Post-1992 (Undergraduate)	LPC	None, but has immediate family connections with other professions	Paralegal, Family, Medium Sized High Street
Sophia	28	Married	None	Practicing Sunni	British	Post-1992	BPTC	None	Trainee, Criminal,

				(wears hijab)	Pakistani	(Undergraduate)			Medium Sized High Street
Zayaan	45	Married	2 Children	Non-Practicing Self-described as 'Cultural Muslim'	British Pakistani	Russell Group (Undergraduate) Russell Group (Postgraduate)	Masters' Degree LPC	None, but has immediate family connections with other professions	Law Centre

The research aimed for demographic and geographical plurality among the sample population; providing optimal conditions for capturing the participants' varied cultural mileux (Ruben and Ruben, 2005) and the interlocking gendered, racial, ethnic and classed dimensions which underpinned the narratives.

A range of ages was provided; although the under 30s were the most populous group (7 out of 12). The women in the sample represented single, married and divorced voices, providing a useful insight into the temporality of family life; their changing priorities and expectations as they look forward to, enter into, and end relationships. Similarly, both mothers and non-mothers were represented to explore the effects of motherhood on a woman's career trajectories. 3 participants were currently mothers; however, there was a narrative of expected or presumed motherhood among the other 9 participants.

The UK Muslim population is incredibly diverse, as detailed in Chapter 1, including individuals originating from across South Asia, North Africa and the Middle East. In accordance with the statistics from the 2011 Census, all participants in this study identified as British South Asian, and derived from the largest and second largest ethnic groups, Pakistanis (2.0% of the overall UK population) and Indians (2.5% of the overall UK population) (Office for National Statistics, 2011b). The sample contained both 'practicing' and 'non-practicing' participants. Those self-described as practicing were all Sunni, and formed the overwhelming majority of the sample (9 out of 12 participants). However, as became clear over the course of the interviews, each had their own connection with and understanding of their faith. This was similarly reflected in the dress of the women: 3 out of the 12 participants adopted the *Hijab*. Only one participant described herself as 'non-practicing', or a 'cultural Muslim', e.g. displaying ritualised observance of religious holidays etc. (Meer, 2008), but lacking firm belief in the core tenants of the faith.

3.1.3. Validating Experience

Throughout the fieldwork and analysis stages of this thesis, I was strongly influenced by feminist epistemology and ontology. Feminist tools have been used as a guideline to shape participant contact and interaction, and subsequently the representation of the collected data in the analysis. I maintain that a strong feminist 'presence' is needed in order to appropriately represent the experiences of a vastly underrepresented group, both statistically within the profession and within the broader literature. Their experiences as Muslim women specifically, shaped through the multiple axes of gender, religion and ethnicity, have broadly been ignored and buried under the louder voices of BME men and white women within past research (Crenshaw, 1989).

The goal of feminist research is to listen to and validate women's own everyday experiences in their own words (Kitzinger 2004: 126, Reinhartz and Davidman, 1992), and to give a voice to the silent and unheard within contemporary social science (Oakley, 2000: 47). Allowing a subjective voice allows ideas to be conveyed in the participant's own words, rather than through the words of the researcher (Reinhartz and Davidman, 1992: 19). This method has the potential to work as an antidote to misrepresentation; breathing life into what has been omitted and distorted in academic knowledge about women and gender (Fonow and Cooke, 2005: 2218), and allowing women to participate in the construction of knowledge. Within feminist research, therefore, we must ask whose voices have been left out of the research, what populations have been ignored in the study of the phenomenon under investigation, which experiences are not given scholarly attention, and why not? (Brabeck and Brabeck, 2009: 40). This is fully consistent with the aims and objectives of this thesis.

The feminist method has not come without its challenges. Kitzinger, in her doctoral study exploring lesbian experience, discussed her experience of internal conflict when reporting back anti-feminist and anti-lesbian sentiments expressed by her participants (2004:

130). Like Kitzinger, as a non-Muslim I felt a small twinge of unease in reporting back sentiments from the participants that I perceived to be at odds with my personal principles. This was particularly poignant when discussing the husband/ wife dynamic and the 'duties' of motherhood. For example:

'Nature has given me a different role to play, and if you don't play it properly, I think you will see some negative result in some way...'

(Interview with Sana)

However, the analysis provided a valuable opportunity to reorient my Western-centred feminism. I became aware of the contextual cultural and religious differences between these women and myself as a white, non-Muslim woman. Thus, I took the opportunity to observe how these women were able to reflexively negotiate their family lives, careers and community values. This self-reflexivity, alongside postcolonial feminist research, assisted in the reconstruction of potentially divergent models of success, which will be discussed in Chapter 7. I have tried to be mindful of the (potential) future reactions of the participants when they come to read my research, and as a result, I hope that they will find it a fair and respectful representation of their narratives.

3.1.4 Positionality and Power

According to Crawford and Kimmell, feminist research methods are characterized by an acute awareness of the personhood and involvement of the researcher. Interviewing is an exercise in disciplined 'self-reflection'; or, reflexivity regarding our identities (1999: 3). Reflexivity is a vital tool for the feminist researcher; she must be aware of her situatedness, and how this affects her own epistemology (Ackerly and True, 2008: 698); that is, awareness of how we view the world through our own embodied locations. We are positioned in relation to multiple intersectional social differentiators, such as age, gender, class and race, position us within hierarchies of power and privilege (England, 2015: 363). Thus, a researcher must

consciously be aware of the relationships created during the course of the fieldwork, and the subsequent representation the participant narratives (Fonow and Clarke, 2005; Harding and Norberg, 2005; Ackerly and True, 2008).

Researchers naturally assume a position of power over participants. Concerns have been raised by feminist researchers, who have called for the minimisation of this power between the researcher and researched (Harding and Norberg, 2005). These 'power minimizing' strategies are often used in studies including vulnerable participants; for example, downplaying one's professional status and defining oneself as a 'listener' and 'learner', rather than a 'researcher' (Reinhartz and Chase, 1992: 29). Emphasis must be placed on creating a non-hierarchical relationship between the researcher and participant (Oakley, 1981).

I entered into the study with a level of naïvety, grossly overestimating the potential power dynamic between myself and the participants at the beginning of the fieldwork. As a second year doctoral student I was fresh from qualitative method training, but possessed limited actual experience of interviewing. I believed there would be a measurable distance between myself and the women who took part in the study. I, as the individual having command over the interview, would potentially be asking for access to the women's personal life experiences; experiences which may open them up to vulnerability.

As 'solicitors', the women concerned were middle-class professionals by definition; automatically reducing the gap between myself in the position of researcher and the participants as the 'researched'. As Brannen explains, middle class respondents are fast to realize their status equivalence with the researcher, allowing the interview to become more of a 'two-way' process (1988: 555).

My experience of the power equivalence was completely unexpected. Consider the following example. Throughout the fieldwork, I had kept a personal 'log' in the form of a small notebook after each interview. This was originally intended for the purposes of jotting down

practical notes to myself about each interview after they had taken place. This had included notes on personal interview technique, e.g. what went well, and what could be improved for the next interview. Instead, I found myself noting down my personal feelings, and how I felt during the course of the interviews. The following is an extract from my log during the course of my second interview in a large city, written on the return train journey:

Arriving into **** was a very unnerving experience. I had arrived early, and walked around a part of the city I had never been before, surrounded by offices. As I was early, I decided to get a cup of tea and read through my interview questions – there was quite a few cafés in the immediate area outside the firm. I noticed outside one café, there were bottles of Bollinger champagne in ice buckets placed on the tables. My immediate thought was ‘oh, this must be for business meetings’, and it is that thought that somehow brought the reality of where I was and what I was about to do home to me... *[Personal Log, 19th March 2013]*

During my interviewing this particular participant, it quickly became apparent that the power equivalence was vastly unequal; the vulnerability occurred internally. I had decided to undertake all interviews in a location of the participants’ choosing, to provide a comfortable environment. Subsequently, many of the participants were on ‘familiar verbal, and indeed physical, territory’, often within their own homes (Luff, 1999: 697). The personal impacts of the research had not been considered, that I was to undertake unknown journeys and walk along unfamiliar streets. The strange sight of relatively expensive champagne served in cafés was unnerving: a symbol of the dissonance between me and my new surroundings. My idea of lawyers, bankers and other professionals congregating around a champagne lunch provided an overwhelming awareness of my inexperience and naivety as a junior researcher. This intensified to physical anxiety throughout the interview:

...I could feel my legs shaking walking into the firm. I was asked by the receptionist of the firm to sit down in a waiting room, and I felt genuinely scared [...] I was invited into a meeting room to meet the participant, who was dressed in a smart, tailored suit, and had lovely make up and perfectly curled, neat hair... [*Personal Log, 19th March 2013*]

The acknowledgement of this particular participant's appearance was significant to me, and my efforts to make sense of the interview process. The image of the participant in a short dress suit was in stark contrast to my own image of a 'Muslim woman'; shaped in part through my research and my own friendships with Muslim women. The discourse surrounding the Islamic ideas of 'modesty', *Hijabs* and abayas (explored in Chapter 1) had dominated my thoughts. To be presented with a woman who seemed at first sight the antithesis of what was expected momentarily shook my confidence in the questions I was about to ask her.

In addition, I was increasingly aware of the age gap between myself and my participants; an issue I had not considered before interviewing. In my personal life, I had developed strong friendships with individuals who have been considerably older than myself. Furthermore, I had previously taught seminars including students significantly older than myself in the course of my doctoral study. My disclosed identity as a female doctoral student provided no indicator of my age. However, upon meeting, some participants vocally expressed their surprise, remarking 'I didn't expect you to be so young!'. Whilst well-meaning, I found these remarks to be very unsettling. They chipped away at my confidence, especially as an interviewer faced with women who were older, more established professionals (see Luff, 1999: 697). As a consequence, I began to become more aware of how I was presenting myself, and put a great deal of thought into selecting my outfits in the mornings in order to portray the maximum amount of (perhaps superficial) professionalism possible. The façade of 'looking older' aided in minimising my personal discomfort as a young and inexperienced woman.

In retrospect, the balance of power firmly lay within the hands of these women. I believe this was a positive contributor to the development of relationships; exemplified by the rich data collected. The participants were 'open' in dialogue, and a mutual trust was developed between us. Perhaps the women were less intimidated by my presence, with their professional experience imbuing greater confidence to guide interview, and define what they believed to be the core issues facing Muslim women (Wolf, 1996).

The feminist literature instructs us to consider the effects of our interactions on participants (England, 2015: 364), I further argue that this extends to the potential impact on their relative communities. Muslim women, like all of us, are not located within a social vacuum. All participants expressed a connection with their broader communities: whether their smaller 'home' communities, or the wider Muslim *Ummah*. As explored in Chapter 1, these communities may face the threat of ever increasing religious stigma and discrimination. The participants would not be considered 'vulnerable' in themselves, however, their communities are susceptible to greater fragility. By contextualising these interviews, it became clear that I did hold a significant degree of power and privilege. Would my interpretation of the data be potentially damaging to these communities, or reinforce current stigma against this group? This needed to be considered upon carefully when representing my data.

3.1.5 Establishing a Mutual Understanding

As a white non-Muslim female, a significant part of the interviewing process concerned understanding the meaning of life experiences and events to my participants. In every society, people use complex 'meaning systems' which informs their behaviours, and assists in making sense of their social worlds (Spradley, 1979: 5). To produce a meaningful analysis, I needed to garner an understanding of their 'insider view', determined by the intersecting identities I could not be privy to. As an outsider, my understanding was therefore

contingent upon establishing and maintaining a mutual understanding between myself and the participants.

A central concern in the facilitation of understanding is the problem of language. As Spradley identifies 'language is more than a means of communication about reality: it is a tool for constructing reality' (1979: 17). In cases where the native tongue is common to both researcher and participant, dialects and cultural vernaculars convey subtle meanings easily escapable to the outsider view. In his US ethnographic study of 'Skid Row' men, Spradley argues that understanding subtle argots is central to the formulation of cultural meaning. He subsequently cautions that researchers 'at home have to learn the language no less' than those overseas. In his study of Glasgow street gangs, Patrick's presumption that his being born and bred in Glasgow, and 2 years' part time work was sufficient to become 'au fait' with the local dialect turned out to be a 'serious mistake'; resulting in a great deal of confusion within the first days of research (1973: 15).

The Muslim women steadily revealed their own language, which peppered their dialogue. They spoke of *Hijabs* (headscarves (noun), or the 'act of veiling' (verb)), *Hijabis* (a Muslim woman who veils (noun)), *niqabs* (veil covering the lower face, leaving the eyes uncovered) and *abayas* (a loose fitting over-garment). They frequently used phrases such as *masha'allah*, an Arabic phrase used as an expression of appreciation or divine thankfulness (literally: 'God has willed') within sentences. They also used unfamiliar words and phrases I had not encountered before; *namaz* or *salaat* (prayer), and *Jum'uah* (the congregational Friday prayer). These are all examples of a 'Muslim' language. While my previous friendships and schooling with Muslim women had allowed me a degree of familiarity with certain terms, like Patrick (1973), I found my experience to be insufficient in acquiring linguistic competence.

Thus, any new vocabulary and cultural concepts had to be learnt through close listening, and any ambiguities clarified via 'expressions of ignorance' (Spradley, 1979: 9). For

example, during a conversation about the community status of a lawyer with Sophia, I felt unsure whether she was implying the wider category of 'lawyer' automatically attributed status within her culture:

I: Is it quite...a high status in your community?

S: Yeah, I don't think it's...I don't think it's the status of going to university...

I: I mean being a lawyer! (laughs)

S: Yeah, it the profession you can get into after going to university, and the gates that open for you, the doors open for you...I think that's what parent want their children to go into...

(Interview with Sophia)

Sophia immediately misinterpreted my vague question about status, which was quickly clarified before moving forwards.

Similarly, expressions of ignorance assisted the elucidation of 'cultural Muslim': a phrase I had not encountered before:

I: Erm, I'm just curious about this notion of, like, being a 'cultural Muslim' identifying yourself as a Muslim, which I presume you do as you explained on the questionnaire...

Z: I think I do, yeah...I have- I have thought about this off and on quite a lot generally and I've thought 'well, would I still call myself a Muslim?' and I think, 'yes, I would'...

(Interview with Zayaan)

However, appreciation of the complexity of Muslim societies was a steep learning curve. Subtle nuances in identity, easily overlooked by an outsider, proved significant within the participants' lives. For example, on the initial questionnaire, one participant described themselves as 'British Indian', and another 'British Pakistani'. The lived complexity of these

ethnic backgrounds was only discussed through the interview process, providing significant contextualisation to their experiences:

My Mum originates from Africa, and the part of Africa that she lives in is Mozambique...when she used to live there, Portugal went over and- you know that certain countries came over and took over? So she used to, you know, she went to an English school as well, and she was taught the morals and principles of Christianity [...]
So my mum and dad, because of the different ethnicities, they never objected to us taking part in anything from school, you know, like going to church or anything...'

(Interview with Sophia)

I'm Indian Muslim, but my grandparents were from India, but moved to Africa - Kenya. Erm, the area that my family are from is called Kachchh, and there's a lot of Kachchhi's in Kenya...My husband is Pakistani, and he's from [Northern UK city]. Now, I know that it's not far in distance, but there's a big cultural difference and I didn't understand that there'd be such a big cultural difference

(Interview with Nosheen)

When these differences were encountered within the questioning, I would express overt interest (Spradley, 1979: 62) in order to probe deeper into specific areas, for example: 'I think it's interesting that you went to a Catholic school...', 'Oh, that's interesting, I've not read about that...', or simply, 'can you expand upon that?'

Occasionally relaying back my understanding to the participant afforded her the opportunity to check and, if necessary, correct my interpretation of a particular cultural phenomenon. For example:

N: I don't think [mother in law] was fully happy with it...okay, with the whole marriage thing, because it's from two different cultural...yeah, there's a language difference, and the way they do things, and the way they are about women...

I: So, even though [they] are both Muslim...they've got a common thing, but it's not common enough?

N: No, no...erm, the point I'm trying to get across is...

(Interview with Nosheen)

Upon learning particular cultural vernaculars or norms, I was then able to incorporate this 'native language' back into my questioning (Spradley, 1979: 62).

3.1.6 Building Rapport

My aim throughout the interviews was to develop a strong rapport with my participants. Rapport would help to ensure the comfort of the participants (and myself) within the course of the interviews, and would in turn secure the amount of rich data collected from this group. However, this aim had a much more personal objective. As I met each participant, I had developed an unexpected feeling: a genuine desire for these women to like me. For the limited time that we had spent sat inside an office room or a café, I wanted to develop a relationship with them, and listen to what they had to say with an empathetic ear. I believe that my sincerity in establishing the rapport for its own sake had a sizable impact on the data collected. As the interviews progressed, I noticed the comfort levels for myself and the participants increasing, and I found them divulging deeply personal, and often painful experiences:

I was depressed throughout the time I was there [...] I had my miscarriage there...I had a miscarriage there because I was depressed...

(Interview with Anisah)

I did not share any particularly traumatic experiences, nonetheless I found myself responding to the participants with small, personal interjections. Where appropriate, this extended to jokes between me and the participants:

A: My husband cooks at home! I don't cook...

I: Could he give tips to my other half on how to cook for me?

A: All the ladies say 'please give tips to us!' [Both laugh]

(Interview with Anisah)

Rather than a committal to the role of a rigid 'interviewer', the 'back and forth' discussions between myself and the participants meant that the interview evolved into a 'guided conversation'. Interview questions I had prepared began to flow more easily, and the conversation became less static. Some participants' felt comfortable peppering their speech with more 'colourful' language; displaying an embedded sense of free expression which I wholly welcomed:

I sometimes think 'what am I doing at home, I'm just frigging watching some shitty Bollywood film that doesn't mean anything to me'...

(Interview with Nosheen)

[His] mum's response is give up, have kids, make me a Grandma and come and be a good housewife. Every fucking time...and it drives me bonkers!

(Interview with Sarah)

The usage of this language is also of interest on a more objective level, countering the Islamophobic troping of Muslim women as invisible, meek and oppressed (see Chapter 1).

I had noted my experience of an interaction with one participant in particular, as the interview had drawn to a close:

After 3 hours, **** and I said our goodbyes outside the café. I was surprised as she pulled me in for a hug, and said 'gosh, it's like I've known you for ages'... [*Personal Log, 5th April 2013*]

Moments of rapport are often developed as aspects of each woman's identity are found to be shared, understood or mirrored (Luff, 1999: 687). This was certainly highlighted between the discussions of a shared university experience with Sarah:

S: I swear [they] pick the best days for their open days, they're always gorgeously sunny...

I: I think they need something to dampen the horror of [Hall of Residence] S: (Laughs)
No-one ever showed you that part!

(Interview with Sarah)

Moreover, the commonality of shared womanhood was of particular importance. The practice of women interviewing women has in the past been strongly encouraged within the feminist method (Warren, 2002: 95) due to the perception of a shared empathetic gendered experience. The women may feel more comfortable discussing issues such as childbirth and childrearing with a fellow woman, who will encounter these experiences through the same gendered lens. The importance of gender is potentially heightened when considering the religious and cultural sensitivities of this group. For some Muslim communities, child-rearing is a female centred issue. Male interest in an exclusive feminine domain borders upon cultural taboo; exemplified by Sophia

...within the Asian community, it's a cultural side of it that if a husband is seen feeding the baby or something, it's like...'where's the mother? That's a woman's job!'

(Interview with Sophia)

In addition, it also should be noted that some Muslim women may avoid non-compulsory engagement with males outside of family. Thus, women interviewers provide a pragmatic benefit, allowing for a more flexible, participant guided approach. Research could be undertaken outside of work hours, as well as in more sociable public locations such as cafés, or even within their homes. Although the consideration of personal subjective difference renders this idea much more complex and nuanced, woman-to-woman interaction was a fundamental asset in building relationships between myself and participants.

3.1.7 Interracial Interviewing

Being a woman is not enough. Every aspect of a researcher's identity can work to either impede or enhance the developing relationships (Reinharz and Chase, 1992: 26). Uncertainty and discomfort are likely to occur for a researcher and participant whose social locations differ dramatically, and these aspects need to be explored in more depth (Reinharz and Chase, 2002: 230-1). They may not share a similar cultural background, class location and political disposition with the researcher (Warren, 2002: 95). Within the process of centring these women's voices, the often thorny issues raised by cross-ethnic and cross-racial interactions between researcher and researched cannot be ignored (Dyck et al., 1995: 611). As outlined in Table 1, all participants within this study were ethnically South Asian which was representative of the wider Muslim populations within the UK. These are identities I do not share as a secular, white woman. Indeed, this cross-ethnic difference did not go unnoticed by the participants, who frequently commented on the unusualness of a researcher holding an interest towards a group to which she does not belong.

Black feminists have raised important concerns, highlighting the impact 'race' has upon the developing relationship between women. In light of this, white women should refrain from representing and researching Black women (Archer, 2002: 110). This critique addressed the concerns with the inadequacy of white, western feminism in incorporating the

different experiences of the oppression of Black women in its theorising (Dyck et al., 1995: 612; see also hooks, 1992; Collins, 2004; 2009), and the structural presence of racism in relationships with white women (Carby, 1996: 112). In the words of Lorde (1993), 'the master's tools will never dismantle the master's house'.

The role of white feminists in constructing knowledge about traditionally marginalised others is problematic, through the white researcher's dominant place in the hierarchy of power (Dyck et al., 1995: 613; Crenshaw, 1989). Furthermore, race and ethnicity is arguably more salient than shared gender within the interviewing process (Phoenix, 2001); perpetuating fears that white researchers may distort the sociological accounts through the 'political economy of race, class and gender' (Anderson, 1993: 41). As Rhodes argues, there are dimensions to ethnic experience which will not be visible to a white researcher, who neither possesses the language, nor the cultural insight to fully understand the experience (1994: 549).

In response, Papadopoulos and Lees strongly advocate for 'ethnic matching' within qualitative research 'wherever possible', to allow for greater accuracy in data collection. The ethnically/ racially matched researcher possesses a number of advantages, including the insider view, more favourable access conditions, and 'a genuine interest in the health and welfare of their community' (2002: 261). Papadopoulos and Lees' theory of ethnic matching, however, encapsulates a myriad of problematic assumptions regarding interracial interviewing (Gunaratnam, 2003: 83). Gunaratnam suggests that these assumptions are based upon essentialism; racial identities that are mono-cultural and unaffected by the intersections of gender, class etc. (2003: 80), reinforcing a racial binary through discourses of intrinsic commonality. In reality, all identities are complex and multifaceted, rendering the idea of 'ethnic matching' virtually unworkable. Whilst a Muslim woman researcher may possess a

shared difference with the participants her other differentiators, such as social class, can still produce a significant impact on communication or interpretation (2003: 85-6).

Racialised difference has similarly led to concerns surrounding the validity of the data collected (Rhodes, 1994: 548). Edwards thus calls for recognition that:

Black women do not talk about all areas of their lives to white, female researchers in the same easy way that white women do, as a result of their structural position and allegiances in society (1990: 486).

I have no doubt that the Muslim women in my study spoke in a different way to me than they would have done to a fellow Muslim/ British Pakistani/ Indian female researcher (Anderson, 1993: 50-1; see Archer, 2002). I recognise that the impact of a white researcher interviewing non-white women, and its potential consequences of difference for knowledge constructed need to be closely examined, rather than ignored (Reay, 1996: 443).

However, Rhodes (1994), Archer (2001; 2002) and Adamson and Donovan (2002) recognise through their research as whites within non-white spaces, that these issues do not preclude insightful communication, and can be addressed through a recognition of the independence of researcher/ participant subjectivities alongside solid reflexive research practice (Archer, 2002: 111; Adamson and Donovan, 2002: 816). Neither account given to a white and a non-white researcher is objectively 'better', or more 'valid'. Rather, each account is interesting and insightful in its own right (Rhodes, 1994, Archer, 2002: 112):

A different account given to a black interviewer does not invalidate that given to a white, although it may well cast it in a new light. The effects of skin colour are, moreover, unlikely to be consistent but will vary with the context and topics discussed. (Rhodes, 1994: 548)

Gunaratnam further argues that 'race-of-interviewer-effects' are part of a living and dynamic process of 'making 'race'', opening new ways of understanding the production of racialised difference (2003: 53). This is exemplified by Archer (2001; 2002) through her qualitative studies of British Asian youth. Herself a white woman, Archer had conducted interviews alongside an Asian female doctoral student. Despite the suggestions of subtle differences between race and gender, Archer noted that differences these did not seem to structure interactions in any significant or predictable way (2002: 112). Both interviewers had received favourable comments regarding the 'woman-to-woman' forum. However, the Asian female interviewer was constructed as being able to identify with the young Asian women on a greater level through their shared experiences and common understandings (2002: 118-119). Moreover, the participants seemed aware that the white researcher may be 'expecting' certain answers based upon her constructed stereotypes or prior 'knowledge' of Muslim women and, as such, managed their responses accordingly (2002: 125). However, as my interviews with participants progressed, I noticed the participants quickly became more relaxed in their discussions. Participants would thus begin to direct the conversation accordingly, opening up topics of discussion that I had not planned for.

As such, whiteness does not automatically generate an inhibitory effect. Furthermore, as an 'outsider' to the Muslim religion and South Asian culture, I may have been perceived as being less judgemental than a fellow insider (see Rhodes, 1994: 551; Twine, 2000: 16), paving the way for greater freedom in their speech (Archer, 2002: 119). Certain participants disclosed information about themselves which they may not have done so freely with another Muslim, perhaps wary of other constructions of 'good' and 'bad' Muslims. For example, participants had discussed their reluctance to adopt the *hijab*, without basis for moral 'judgement' on my behalf. As such, the participants were given a safe space to recall their experiences and beliefs with their own moral gloss (Rhodes, 1994: 551). I am careful not to suggest that my competence as a white researcher exploring different racial groups is equivalent to that of an

ethnic minority researcher. However, I do maintain that through reflexive practice and careful analysis or power relationships (Rhodes, 1994: 554) the knowledge constructed in this research is both valuable and insightful in its own right.

3.2 The Fieldwork

The interviews for this thesis were undertaken between October 2012 and June 2013. Due to initial difficulties in contact with the participants, the ethical approval for the study was requested to be extended.

3.2.1 Interview Themes

Semi-standardisation was selected as a basis for the interview; choosing a number of open ended questions, allowing the participant to answer and guide the interview as they wished. This further promoted the natural flow of conversation, as explored above. Using Ruben and Ruben's (2005) interpretation of semi-standardisation, the main questions were used to begin and guide the initial topic; including questions to clarify or repeat if necessary. Follow up questions subsequently pursued the implications of the answers to the main questions. The interview questions were based around 6 core topics, detailed in Annex. D, reflecting the objectives of my central research questions. I had a detailed list of prepared 'follow up' sub-questions which would occasionally be used, but their necessity and appropriateness was gauged based on each individual answer.

My line of questioning roughly remained the same for each interview. However, as the interviews progressed, I began to identify commonalities between narratives. These shaped the emergence of new interview questions, and follow up questions. For example, the media coverage of Islamophobia was first identified by Sana. Subtle cues were given in the conversation by other participants, which were probed as they emerged. This was more

prominent in the later interviews after the Woolwich incidents. Seemingly 'throw away' comments were seized upon, and explored further:

It's interesting you mentioned the Woolwich attacks, and the uproar of Facebook. Can you tell me a little more about that?'

(Interview with Razia)

The location and timing of the interviews were left to the discretion of the participants. I initially requested the participants set aside 1 hour for the interview. However, I did not set a time restriction for the interview process and allowed the interview to last for as long as the participant felt comfortable, and as far as was 'productive' for the study. Consequently, interviews varied from 1-3.5 hours in length. The individuals were asked to select a preferred location to prioritise their comfortability and convenience, allowing them to discuss any issues away from 'prying eyes' (Warren, 2002: 90). This afforded the participants the flexibility to fit the interview around their existing commitments.

From a practical perspective, café and public environments were particularly tricky. I found the noisy environment disruptive and procured difficulties with the accurate recording of the interview. This subsequently produced gaps in the transcription of the data. Similarly, home was not always an option, especially due to some participants having partners and children; some of whom were discussed within the interviews themselves. There was an observable atmospheric difference between interviews held within their workplace, and outside of the workplace. Participants interviewed outside of their working environments were much more responsive in highlighting negative aspects of their professional lives. In addition, I felt the rapport was more quickly established and maintained throughout the interview.

3.3.2. Access and Sampling

The first stage of the data collection was to obtain access to the field in which the research was based. Far from expectations, the initial access to the participants proved to be a complicated and arduous process. As open interviews require the participant and researcher to become more closely involved than with the issuing of a questionnaire, contact on a personal level had to be established from the onset (Flick, 2009: 54-5). I decided that the most successful route would be to develop initial contact through core 'gatekeepers' to the profession, which would carve a path of access to this particular group.

'Gatekeepers' are defined as someone who has the authority to grant or deny permission to access potential participants, or can facilitate such access (King and Horrocks, 2010: 31). Unlike research into other professions, such as NHS institutions, schools etc., access through gatekeepers was not an obligatory step. However, there are significant advantages of obtaining access through gatekeepers, both in terms of identifying and facilitating contact with the participants, and reassuring them as to the researcher's credibility and trustworthiness (2010: 31). I hoped these organisations would play a significant role in advertising the study, and individuals connected to these gatekeeper organisations would be more likely to respond to my call.

To facilitate the access to the gatekeeper, I asked for an initial meeting (either in person, or via telephone) in order to discuss the study in more depth, thereby allowing an opportunity to answer questions or concerns. In order to develop trust, there was the direct intent to make the study as transparent as possible during the initial stages. After the preliminary discussions had taken place, the gatekeeper was provided with the core documentation, including information sheets, consent forms and a brief draft of the interview schedule. All forms submitted to the organisations were blank master copies; no confidential material was shared with them.

Time was budgeted for the research and identification of the correct gatekeepers to facilitate access; including developing an awareness of the base structure of these organisations (King and Horrocks, 2010: 31). I believed a main route of access would be through the Association of Muslim Lawyers; a support network dedicated to Muslims as a whole within the legal profession which appeared to have a large membership base and an active social media presence.

The aims of the Association, to 'facilitate the entry of Muslims into the legal profession' (AML, 2017), sat comfortably with the study's own research objectives. A formal email was drafted explaining the nature of the study, and requesting a meeting to discuss the research further (Annex. C). In order to offer encouragement to the organisation, I had offered to disseminate the findings in the organisation run journal; or alternatively, through newsletters to the membership bases or conferences. This was left to the discretion of the gatekeeper. However, after multiple emails and letters to the committee members, no response was received. I felt uncomfortable encroaching upon the social media presence of this group, and consequently, decided to explore alternative routes of access.

Two further promising potential gatekeepers were identified; the Association of Women Solicitors, and the Association of Asian Women Lawyers (AAWL). The Association of Women Solicitors promptly sent back a response to my initial inquiry, informing me that the organisation would be undergoing a radical reorganisation and, as such, would not be able to provide any assistance for the study. The AAWL, a similar organisation aimed at Asian women, registered enthusiasm for the project. Full disclosure of the research aims, and any material that would be used such as information sheets and consent forms, were given to the organisation. Again, no confidential material from participants was shared with the AAWL. For the protection of their own members, the AAWL had also requested a draft of the interview schedule, and to be updated of any changes made to the documentation. Through

negotiations, it was subsequently agreed that an email would be forwarded to the members with a recruitment flyer attached (Annex. E.).

Contact was also made through local Law Society branches. In order to maximize the amount of potential respondents, local Law Societies based in areas with higher than average Muslim populations were also targeted. A brief email was sent to the branches, requesting the organisations to place flyers on a notice board for the viewing of members. Notices were included in the newsletters circulated to electronic membership bases, and the study was 'tweeted' out to their Twitter followers. Instructions on how to contact the researcher, or how to opt-in to the study, were reproduced on the distributed flyer.

Due to the specific nature of these gatekeepers, a small possibility of bias existed. By virtue of membership to these religiously, or ethnically affiliated groups, it may suggest that these issues have a large prominence in the participants' professional lives and interests. However, a sizable proportion of participants were recruited via the snowballing method, which may have captured a broader sample of this group - including those who did not belong to such organisations. After the initial few participants were recruited and interviewed, they were asked to distribute details of the study to any acquaintances who may be interested. This method was fruitful enough to provide the second 'wave' of participants for interview.

It is not possible to refer to sampling without referring back to the grounded theory approach. What you look for in sampling, and how you conduct it is shaped through emergent theory (Charmaz, 2014: 206). The initial analysis of collected data helps to shape where to look next for your participants, and what to look for. After the first few interviews had been completed, diversity within the sample was sought; prioritising women who were from diverse geographical locations.

3.4 Ethical Considerations

3.4.1 Informed Consent

The consideration of ethics is a vital part of rigorous research. Ethics apply to all of the researcher's actions; practising accountability within feminist research consequently begins by laying open the research process, in all of its disorder, for examination (Davies and Dodd, 2002: 281). The feminist method encourages reflexivity over the researcher's conduct, with due recognition of problematic issues, such as consent, privacy, deceit and deception (Olesen, 2011: 254).

When conducting non-covert research, the researcher must first obtain informed consent from the participants and potential gate-keepers. The participants have a right to know that they are being researched and a right to be informed about the nature of the research, as well as being free to withdraw at any time (Ryen, 2011: 418). Gaining 'informed consent' becomes ethically problematic if it is not made clear to the participant what exactly they are consenting to, and where their participation in the study begins or ends (Miller and Bell, 2002: 53). Furthermore, this consent must be consistent through the study. A researcher may have informed the participant about the research aims at the beginning of the study, in compliance with official ethical guidelines, however the final research findings and outcome at the end of the research may not resonate with those aims. The notion of 'consent' and what giving 'consent' actually means for the participant may only become clear at the end of the study (2002: 54), when the information has already been given on the pretence of something else. There are further problems which need to be considered when gaining consent from participants, due to the reliance on gatekeepers as a route of initial access for participants. There is a general assumption within research that the consent gained by these means is 'voluntary', and that no 'coercion' has occurred; this assumption ignores the potentially

complex power dynamics that can operate around access and consent, particularly where issues of gender and/ or ethnicity are at play (2002: 55-6).

The participants were exclusively adults from a professional background, it could be safely assumed that they were not particularly vulnerable adults, nor did they possess any obvious barriers to understanding the research and the notions of consent. As such, no specialist safeguards were necessary in order to obtain informed consent from these individuals. This is not to say, however that consent was assumed by mere participation. Although members of gatekeeper organisations were actively encouraged to participate, it was made clear that the study would run on an opt-in basis, and the members were under no obligation to do so.

Upon inquiring about the research, the potential participants were sent an information sheet and two consent forms via email to read and sign. The information sheet laid out in detail what the research was about, what participation would mean for them, how the data would be used and any risks or ethical implications of the research. After reading, they were to sign the first consent form to check they had fully understood the information supplied, and the second agreeing to the use of quotations in the final research, and subsequent publications (Annex. A). They were supplied with my contact postal and email address, and encouraged to ask any questions.

Consent was reinforced again at the interviews at two core points. Before the recording equipment was switched on, the participants were given a brief description of the study, confirmed how the information will be used and about the ethical implications, and were asked if they had any questions. After the interviews had ceased, the participants were asked a second time for their explicit consent to use the information given. From the point of initial contact, emphasis was placed on the participant's right to withdraw at any time, and the reassurance that confidentiality would be upheld.

I also considered whether the study might have any distressing impacts on the participants, particularly when discussing recent or ongoing negative experiences. It was made clear to the participants that the recording equipment could be switched off at any time, and they would be free to either continue or withdraw from the study.

3.4.2 Confidentiality

Anonymity and confidentiality was kept at all times. All reasonable care was made to remove any indicators that could reveal the identity of the individuals in the analysis of the data. However, due to the sampling methods that were used, some participants were known to each other. I was careful not to discuss the content of interviews with any of the other participants; what each individual had said was kept between myself and themselves until all identity markers had been removed in the analysis phase. I cannot guarantee that the participants, and others known to them will read the data replicated in this study and not be able to identify themselves and others, however, this is highly unlikely. Once collected, all personal information - including signed consent forms, questionnaires and transcription data - was kept in a locked filing cabinet and a password protected computer. Only I had access to this sensitive data; the participants were subsequently allocated pseudonyms to protect their identities.

3.5. Analysis of Data

3.5.1 Constructivist Grounded Theory

Grounded theory method offers systematic, yet flexible guidelines for collecting and analysing qualitative data; in order to inductively construct theory from the collected dataset (Charmaz, 2017: 299). Grounded theory is continuous process; a sustained process of theory development and refinement. Data collection, transcription and analysis all share the common

intent of building theory, by matching the analysis closely to the complexity of the topic (Aronson and Wilson, 2010: 389).

The development and popularisation of the grounded theory approach is attributed to Glaser and Strauss (1967), allowing for

the development of theoretical explanations that reach beyond the known, and offer new insights into a variety of experiences and phenomena (Corbin and Strauss, 2014: 6)

The central aim of grounded theory analysis is to continually search for the basic social processes underlie the phenomena of interest (Glaser and Strauss, 1967).

Constructivist grounded theory adopts the essence of Glaser and Strauss' original approach but, as Charmaz argues, highlights the flexibility of the method and resists any static application of it (2014: 12-13). Charmaz further identifies 4 characteristics which distinguish this approach from earlier grounded theory strategies, by:

1. Assuming a relativist epistemology,
 2. Acknowledging the researcher and participants, multiple standpoints, roles and realities,
 3. Adopting a reflexive stance towards the researcher's own background, values, actions, situations, relationships with participants, and representations of them,
 4. Situating your research in the historical, social and situational conditions of its production.
- (2017: 299)

These 4 characteristics have informed this research project, as this chapter illustrates.

Each interview was audio-recorded in full. The interviews were later transcribed verbatim, including detail of non-verbal interactions such as sighs, laughter etc., alongside any pauses in speech. I also chose to reflect the verbalisation of certain words such as 'wanna',

'shoulda', as well as retaining slang, profanities and any grammatical errors. The meanings of dialogue are profoundly shaped by the way in which something is said, rather than strictly what has been said (Bailey, 2008), and I wished to retain this for future coding. However, due to the amount of time available, the non-verbal detail and intonation included was kept to a minimum.

Transcribing the data by myself assisted with the development of the initial codes. Re-listening to the audio, I was able to bring myself 'closer' to the data. Without the stressors and distractions within the interview room, I was also able to uncover meanings undetected during the interview.

Once the data was collected from the participants, the grounded theory framework was used to help construct and shape my emergent themes. The grounded theory strategy was not followed rigidly; rather, it was used as a flexible aid to assist the understanding of the women's complex narratives:

1. Data Collection
2. Initial Coding
3. Focused Coding and Categorising
4. Theory Construction
5. Dissemination

Following Charmaz's (2014) methodological structure for initial/ focused coding and theory construction, the transcripts were searched for codes. Coding consisted of a 2 stage process: the initial phase involved naming each segment of data, followed by the focused phase which organises the most significant or frequent codes to categorise the data (2014: 113, 138-9).

i) Initial Coding

Line-by-line coding formed the initial phase of the analysis, which involved naming each line of the written data (Charmaz, 2014; Glaser, 1978). This began as soon as possible after the interview had taken place (Corbin and Strauss, 2014). Although time consuming, line-by-line coding was valuable in detecting subtle patterns and implicit concerns that may have been missed, as well as explicit statements (Charmaz, 2014: 125). My coding process began by pulling the transcription data apart, asking myself ‘what is going on in the data?’. Words, phrases and actions that appeared significant to my research questions were highlighted, and allocated labels. These labels formed the initial codes, handwritten as marginalia, as I moved through each of the transcripts. An example of the coding process of Miriam’s interview is shown in Table 3.2.

Table 3.2. Initial Coding of Miriam

	Transcript	Code
1	she’s not in today, or she’s not in until much later, but she’s a mum herself, and she obviously	Fellow mother Shared experiences
2	understands the pressures of family life and has actually said to me ‘partnership is here for you when	Mutual understanding Reassurance of partnership Flexibility/ Stability

3	you want it, but I do appreciate in the meantime your family means most to you', so just to	Empathy Recognition of family's importance Taking the pressure off
4	hear someone say that is really...especially in this profession quite rare.	Surprise Assumption of rarity

ii) Focused Coding and Categorisation

Focused coding forms the second stage. Focused coding is more selective and comparative in nature than the initial coding stage, allowing for the sorting and synthesising of the large amount of transcription data (Charmaz, 2014: 138). This stage focuses on the frequency or significance of the initial codes, which allows for the naming of concepts, definition and subsequent development of categories. Each concept is 'a labelled phenomenon...it is an abstract representation of an event, object, or action/interaction that a researcher identifies as being significant in the data'. This is referred to as 'conceptualisation', enabling data which shares common characteristics to be grouped (Strauss and Corbin, 1998: 103). These concepts formed in the initial coding stage were then categorised with each other, like with like. Consistent comparison across the data helped structure and refine the focused codes, which assisted the sharpening and condensing of the data (Charmaz, 2014: 138).

After the initial coding had been completed, I revisited my initial codes. I read through the codes, searching for any repetition, similarities and explanatory links. As a visual learner, I decided to write the most frequent/ significant codes on coloured sticky notes, adhered to large white boards. This allowed for the reshuffling and grouping of codes with ease. Lines

were drawn, erased and redrawn in between codes to help visualise any connections within the data. Concepts could then be linked under more abstract or 'higher order' concepts, to provide categories; a step which vastly reduced the number of concepts I was dealing with (Strauss and Corbin, 1998: 113).

These codes and categories become, as Corbin and Strauss suggest, like the spokes of an umbrella. The spokes provide structure and shape to an umbrella, but it is not until the spokes are covered with fabric that the umbrella becomes useful. Codes alone do not produce the emergent theory, but 'must be linked in and filled in with detail to construct theory out of data' (2014: 103).

However, Charmaz cautions against forcing the data into preconceived codes and categories (2014: 155). There is a risk in qualitative analysis that the researcher will impose 'common-sense theorizing' (Schutz, 1967) onto her data. This is an issue that I contended with in the early stages of initial codification. As a white, non-Muslim, my knowledge of Muslim women had been limited to a circle of close friends; each embodying differing cultural, religious, and racial identities. Therein lay a risk that the meaning ascribed to particular experiences by friends could permeate into the analysis. This was certainly echoed in the example of the participant's dress suit, and was even more salient when conversing with non-practicing Muslims for the first time. Throughout my reflexive process of interviewing, writing in a personal log, and initial coding I was able to become more aware of my preconceived ideas of Muslim experience. These preconceptions assisted in searching for starting points for codification; however, they did not find a place in the codes unless they were fully supported by the transcription data (Charmaz, 2014: 159).

Organising the codes to produce themes is a continuous process (Aronson and Wilson, 2010: 389). Thus, the analytic process required frequent creation, merging and restructuring of themes to adequately capture the complexity of the data. The provisional themes and

underlying theoretical frameworks are displayed in Table 3.3. The data initially produced a large amount of codes and categories, surrounding the balancing religious and professional identities. This led to the creation of the theme 'fitting in'. As the analysis progressed, this theme became too large to manage, and too generalised to accurately reflect the nuance of these participants' experiences. This 'super theme' had to be revisited, and subsequently broken down into smaller themes.

Themes that did not hold sufficient codes also had to be removed. For example, initial coding of early transcript showed discussion of religious ethics within lawyering. As the analysis progressed, it became clear that this category was not frequent or robust enough to form a theme of its own right, and was subsequently discarded.

iii) Theory Development

These themes are used as the basis for the development of the theory, as detailed in Chapter 7. The aim of inductive theory development, after establishing how the participants construct meaning, is the questioning 'why' and 'how' they act as they do (Charmaz, 2014: 239). However, Charmaz suggests the resultant theory is rooted within the researcher's view: it does not stand outside of it. The researcher must take a reflexive stance towards the process and production of the research:

we conduct research processes and products, but these constructions occur under pre-existing structural conditions, arise in emergent situations, and are influenced by the researcher's perspectives, privileges, positions, interactions, and geographical locations...conducting and writing research are not neutral acts. (2014: 240)

In building theory, I have continually tried to locate the participants' meanings into the broader social structures and power hierarchies in which they are situated. This included searching for assumptions which construct their actions (2014: 241); for example, the

struggles that one participant endured to ‘get ahead’ may significantly influence their perspectives about future Muslim trainees. In this way, we are able to link micro to macro analysis.

The provisional themes and underlying frameworks are detailed in Table 3.3. below. These themes inform the structure of my analysis, and are revisited in Chapter 7.

Table 3.3. Provisional Themes and Underlying Frameworks

Underlying Frameworks	Themes
Centrality of Family	‘Free Choice’
Breaking Stereotypes	Influence of Social Class
Personal Reconciliation	Employability
Negotiating Muslimness	Family and Muslim Motherhood
Relocating Agency	Socialising and Drinking Cultures
Constructing Divergent Models of Success	Religious Visual and Audial Disjuncture
	Shame and Psychological Distress
	Cultural Entrepreneurship
	Institutional Entrepreneurship
	Instability of Post-Professional Environment
	Untimely Exits

Finally, the development of theory was not an end in itself. Rather, I believe it indicates the beginning of our research into this marginalised group. Using grounded theory for this group will build upon the current literature, which has been focused on a single axis framework, to produce new theoretical explanations of these marginal actors while preserving the complexity of their multi-faceted identities and social locations. The main findings and development of the new theoretical framework has been explored and laid out in chapter 7 of this study.

Chapter 4. Becoming Insiders: Field Location, Employability and the Construction of Muslim Motherhood

4.1 Introduction

Following the discussion of methodology, the analysis of the qualitative data will begin with an examination of how Muslim women are able to 'pass' within legal spaces. This forms the 'meta' theme, threading through both chapter 4 and chapter 5. The chapters will, however, draw upon distinctive elements of this thread. This chapter addresses emergent themes surrounding choice, employability, commitment and family. Chapter 5 will subsequently explore the negotiation of Muslimness within firm life. I focus on the discourse of 'free choice' within the management of a Muslim woman's career, as she navigates the profession's closure mechanisms. Through examining the contingent fluidity of marginalised identity, I argue we are better placed to make sense of a solicitor's experience of professional recruitment and selection processes.

As explored within Chapter 2, the legal profession demands a demonstration of the appropriate habitus to 'pass' comfortably. Thus, many non-traditional entrants find themselves struggling to fit within organisational boundaries (Ahmed, 1999), remaining distinctively disadvantaged by their race, religion, gender and class.

I have divided this chapter into four interconnected parts. The first section explores participant motivations and strategies in selecting their field locations, before examining how these choices are constructed, and constrained, by their relative social, familial and economic locations (Francis, 2015: 173). Through an examination of the participants' relative positionality, I illustrate how social class remains a core differentiator in recruitment of Muslim

women, which has the ability to reframe, mitigate or 'cancel out' other capitals (Brah, 1996; Puwar, 2004).

Secondly, I demonstrate how Muslim women manage their employability to competitively position themselves in the highly fragmented legal field. I evidence how these women are able to use their ethnic and gendered capital as currency, which may enable them to pass more readily within certain sectors of the profession than others. However, these sectors are more likely to be of low pay and low status.

Thirdly, I focus on Muslim women's accommodation into the profession as mothers, or prospective mothers, corroborating previous research into women lawyers (Sommerlad and Sanderson, 1998; Webley and Duff, 2007; Thornton, 1996; Wallace, 2008). Finally, I situate these gendered discussions within a much needed cultural context. I argue that the multi-faceted nature of Muslim female identity adds complexity to their experience. Muslim women frequently face additional demands from their family units and communities, which are contoured by cultural and Islamic constructions of motherhood. As a result, the competing 'greed' of the personal and professional domains must be carefully managed (Cosser, 1974).

4.2 Accessing the Legal Profession: Negotiating Choice and Social Class

This section will explore participant motivations in choosing their legal specialism. It examines how classed, raced, religious and gendered differences are played out in field choice (Reay, et al., 2005: 35), shaping the available recruitment opportunities for Muslim women. It re-emphasises the salience of social class as an intervening variable, framing perceptions of available action, embodied habitus and available resources. Moreover, it demonstrates the impact of class on how Muslim women are effectively 'read' within legal spaces.

4.2.1 'What made you choose Personal Injury?': Selecting a Specialism

The concept of reflexive 'choice' formed a prominent theme within the interviews. The dominant discourse was one of agentic freedom to select their life-goals. Subsequently, the majority of participants indicated relative satisfaction with their specialisms:

'I really enjoyed corporate the most, and...you know, that obviously reflected and I was asked to stay in corporate...But yeah, that's entirely my own choice'

(Parveen, 26, Early Career, Commercial, No Children, Russell Group, Immediate Connections to Legal Profession)

'Interviewer: So what influenced you in choosing Personal Injury?

Sarah: Personal Injury? Err...I enjoy Tort law...good old Donaghue v Stephenson.'

(Sarah, 26, Early Career, Personal Injury, No Children, Pre-1992, Connections to Other Professions)

A variety of reasons were offered, however, the simple 'enjoyment of the practice area' was the most common. Participants appeared to possess strong interest and passion for their areas.

Despite this, I argue the construction of 'free choice' is complex and nuanced: dominated by discourses of 'class, status and power' (Archer, 2007b: 13). Beyond the necessary rhetoric of equal access, the profession tightly manages the calibre of aspirant lawyers permitted to access (Larson, 1977: 52; Francis, 2011: 38; Abel, 1988; Witz, 1992), seeking to restrict occupational rewards to the inside few (Parkin, 1974). The characterisation of the normative insider - the white, middleclass male (Cook, Faulconbridge and Muzio, 2012; Sommerlad, 2007) - casts women and BME individuals as marginalised 'outsiders', subject to demarcationary systems of stratification and subordination (Witz, 1992). Thus, the social 'elite' continue to dominate swathes of the profession (Milburn, 2009), particularly within higher

status, higher paid sections of corporate practice (Cook, Faulconbridge and Muzio, 2012; Muzio and Ackroyd, 2007).

The strategic power of the individual agent is informed by her embodied habitus, and the availability of capital (social, economic, cultural and symbolic) as currency within the specific field (Bourdieu, 1986; Bourdieu, 1990). The profession is characterised by an increasingly fragmented set of fields (Boon et al., 2005), each determined by its own set of practices, rules, schemas and normative expectations (Giddens, 1991; Cook, Faulconbridge and Muzio, 2012; Faulconbridge and Hall, 2014). In seeking recruitment, signalling a prior knowledge of the 'game' through one's habitus, alongside the possession of capital, has clear, competitive advantage, indicating conformity with the values and doxa of the field (Cook, Faulconbridge and Muzio, 2012: 1748).

As Puwar suggests, specific economic, familial and educational conditions generate dispositions which are 'pre-adapted' to the demands of the field (2004: 126), displaying:

real ontological complicity...a practical mastery of the world's regularities which allow one to anticipate the future without even needing to posit it as such (Bourdieu, 1990: 10-11).

Individuals pre-adapted to the demands of the game possess elemental 'mastery' of the space, thus displaying familiarity and set of skills which operate beneath the level of conscious discourse (Puwar, 2004: 127). Arguably, a compatible habitus allows for the comfortable path into elite spaces in professional practice in spite of traditionally marginalised status. Taking an analogy from Sara Ahmed, these marginalised individuals are not encountered as strangers in the first instance, but as familiar agents (Ahmed, 2000).

Consequently, class allocation brings greater strategic power to exploit the opportunities presented within elite spheres (Goldthorpe, 2003). Not only do these individuals

have a habitus pre-adapted to the game (Bourdieu, 1990), they possess a wealth of resources through social, cultural, economic and symbolic capitals. Availability of networking opportunities, social and kinship connections can allow preliminary access to work experience (i.e. getting one's 'foot in the door'), whilst simultaneously providing benefits in less tangible forms; developing desirable cultural attitudes and behaviours (Kay and Hagan, 1998: 730) to provide elite firms with the 'right kind of people' (Cook, Faulconbridge and Muzio, 2012: 1750). When competing alongside her graduate contemporaries, these social and cultural resources maximise, or constrain, the available choice to an aspirant lawyer, particularly within the highly competitive city and corporate sector. The resultant decision to join elite firms produces feedback into the profession: preserving the elite social order, whilst appearing ordinary and unconstrained for the individual (Schleef, 2006: 20).

4.2.2 Preference and 'Active Avoidance' Strategies

3 participants - Miriam, Razia and Parveen - were positioned within city-based firms, describing their work as 'corporate based'. All 3 participants emphasised their active agency when selecting their practice. However, Miriam and Razia had both indicated an 'active avoidance' of the high street sector:

'I never wanted to do anything, I know it sounds really bad, but I never wanted to work in those sort of firms...I know that sounds awful, but I was quite picky'

(Miriam, 34, Head of Department, Commercial, 1 Child, Russell Group, Immediate Connections to Legal Profession)

For Miriam, her active selection process was completely unconstrained; a direct result of her 'pickiness' in choosing a firm. This active avoidance was echoed by Razia:

'I was quite lucky that I wasn't going to one of those dodgy high street immigration firms...'

(Razia, 27, Early Career, Corporate-Immigration, No Children, Russell Group, No Connections to Profession)

Avoidance strategies can be translated as the privilege of objective 'choice', arguably arising from the participant's possession of marketable capital, discussed below.

This discussion of 'active avoidance' was not exclusive to the participants working within the corporate sector. Reflexive avoidance also peppered the dialogue of participants working in smaller, high street firms:

'I didn't want to go into commercial/ corporate firms 'cause all they think about is 'money, money, business'

(Halimah, 25, Trainee, Crime, No Children, Russell Group, No Connections to Profession)

'I've never been into big commercial firms, or anything like that. I've always liked the legal aid type - it was either family, immigration or [crime] that I wanted to go into. I wasn't interested in anything else'

(Sophia, 28, Trainee, Crime, No Children, Post-1992, No Connections to Profession)

Sophia referenced her sense of personal satisfaction; her decision reinforced through dialogue with corporate based friends:

'My friends do it - got loads of friends who work in the commercial field. They just absolutely hate their job. I might get paid less than them, but they're more interested in my work - even though their work is...higher...in the high commercial field, they just don't enjoy it. I love my job, and I love doing what I do.'

The participants' narratives are highly indicative of their human capital: these women are able to make fully conscious decisions about their own career trajectories (Melville and Laing, 2007:

286) based upon individual introspection and a professional awareness, motivated by a specialist interest. However, the reality is likely to be much more complex. The facility of choices is heavily influenced by extraneous factors; an introspective dialogue shaped by organisational structure, and their own social and economic locations.

There are a number of ways in which structural and cultural factors influence motivation, and professional expectation (Archer, 2007b: 18-9). The corporate field may be reflective of a life participants have judged as unsuitable for themselves (Cook, Faulconbridge and Muzio, 2012: 1754) through a reflexive deliberation of their relative positionality. This is not to suggest these women view their motivations as 'passive victims of circumstance'; rather, they possess the ability to use this self-awareness to pursue other options within the professional sphere (Archer, 2007b: 19).

Moreover, there is a possibility that the definitive reasoning stressed by these participants may derive from a compulsion to justify their own positions within the profession which, unfortunately, tells us little about their entry progression.

4.2.3 Family and Community Motivations

A number of participants attributed their choices to a highly personal influence: an interest, or connection deriving from a past family/ community experience. Those working with minority communities often attributed their desire to past influences, such as migrant parents:

'I decided I wanted to learn more about immigration and my dad came here in '65 on a voucher scheme, so when I was growing up, I always had that, you know 'oh, well I came here on a voucher scheme'...so I decided to look into it...'

(Razia, 27, Early Career, Corporate-Immigration, No Children, Russell Group, No Connections to Profession)

'I think erm...my parents were migrants and that's always been an interesting thing...'

(Zayaan, 45, Mid-Career, Law Centre, 2 Children, Russell Group, Connections to Other Professions)

The awareness and early exposure to these experiences may act to generate interest, and further influence participants to pursue a related area practice. This may be through potential feelings of empathy and responsiveness for clients in similar positions, or to extend their reach to fellow members of their respective communities. This motivation was similarly acknowledged by a Sana, who discussed her interest in contemporary security debates, and the pursuit of justice for fellow Muslims:

'Something that's been of particular interest to me is erm, criminal law, and the reason being that, erm...a lot of people have been arrested unlawfully and detained, erm...on terrorist suspicions, and they haven't actually got any evidence against these people [...] I know I have friends, close friends who have experienced this in their family and I can tell you now that they are good, honest people...'

(Sana, 22, LPC Student, No Children, Pre-1992, Connections to Other Professions)

The influence of family and socio-cultural context on field location needs to be acknowledged. Personal connection can provide a strong 'pull' for an individual to assist their own socially disadvantaged communities, allowing the actors to feed their resources and professional expertise back. The notions of community connection were particularly observable in the narratives of Sana. For Sana, her empathy had subsequently prioritised the needs of the wider Muslim community, aligning her career motivations accordingly:

'I have no doubt that the same thing is going on with my own people, with Muslim people [...] so yeah, I think as a Muslim lawyer my priority right now is to defend these innocent people'

Sana's career trajectory had evolved to reflect the temporal perceptions of Muslims within wider socio-political discourse. External contexts can provide an opportunity for Muslim women, supporting the particular agentic orientations which provide different structuring relationships between themselves and the legal field (Emirbayer and Mische, 1998: 1004). Potentially, this carves an organic pathway for Muslim women through specialisms which allow for maximum community proximity, such as crime, family and immigration law.

4.3 Influence of Socio-Economic Class

Although race, religion and gender interplay in shaping choice for marginalised individuals entering exclusionary spaces, I argue that social class plays a significant role in the resultant professional destination of Muslim women. Through exploring the participants' socio-economic locations in more depth, we can garner a deeper understanding of how opportunities emerge within the legal field.

As highlighted within the methodology, the participant sample is a representation of the amassed heterogeneous populations categorised under the blanket term 'Muslim women'. However, Muslim women share a commonality rooted within gender, quasi-ethnicity and socio-political location, which subsequently shapes their professional experience. Brah acknowledges that the struggles minority groups face often underlie the fluid interconnectedness of these racialized, classed and gendered oppressions (1988: 88). These intersectional matrices (Collins, 2002b) are not always uniform or mutually reinforcing, but are arguably influenced by socio-economic class. A Muslim woman's social trajectory, evidenced through their classed background and educational training, therefore has profound effects on her embodied dispositions, and subsequent access to utilisable resources within the recruitment and selection stages (Bourdieu, 1986; Puwar, 2004: 126). Thus, the category of 'Muslim woman' provides a divergent starting point for each individual (Khattab, 2012: 570).

Indicators of social class, such as educational credentials, familial professional connections, were requested prior to the interviews (detailed in Table 3.1). The sample had captured a breadth of socio-economic profiles, with some significant differences present between individual participants which appeared to influence the exercise of agency within the field.

4.3.1 Familial Connections

All 3 participants working within the corporate sector - Miriam, Parveen and Razia - possessed potentially valuable traits representing social and cultural capital (Bourdieu, 1984; 1992) and facilitating professional entry. These included family connections which exposed the participant to the legal profession before undertaking training:

‘That’s always drilled into me at an early age, pursue a profession [...] and it just happened, but I think definitely having [law] in the family was an influence’

(Parveen, 26, Early Career, Commercial, No Children, Russell Group, Immediate Connections to Legal Profession)

Having possible wider implications for the participant, such as an increased identity consonance (Costello, 2005), with the professional habitus. In Bourdieusian terms, family life is the pinnacle in the development of tastes, attitudes and behavioural dispositions (Bourdieu, 1984) which convey advantage within elite fields. The acquisition of cultural capital is, thus, reliant on ‘total, early, imperceptible learning, performed within the family from the earliest days of life’ (1984: 59). Class markers are embedded within

the ordinary choices of everyday existence, such as furniture, clothing, or cooking, which are particularly revealing of deep-rooted and long-standing dispositions because, lying outside the scope of the educational system, they have to be confronted, as it were, by naked taste. (1984: 77)

Family is critical in the construction of an individual's 'possible self'; the shaping of expectation, and how they make sense of their place within the employment market. Markus and Nurius define the 'possible self' as an actor's 'ideas about what they might become, what they would like to become and what they are afraid of becoming' (1986: 954). This can be understood in relation to their future careers, providing the bridge between self-perception and motivation (Stevenson and Clegg, 2011: 233). Research has demonstrated the significance of family on the development of possible selves (Li and Kerpeleman, 2007) which, for middle class families, may involve earning a degree and a professional career. Family members are able to reinforce the importance of educational attainment and career goals, whilst providing the continued support necessary (Stevenson and Clegg, 2011: 234). As Archer suggests, this accumulation of encouraging experiences may become internalised as expectation (2007b: 19). Thus, the pursuit of a professional career 'drilled into' Parveen early in life, realistically constructs her possible self as an elite, middle-class legal professional. Her choices are therefore partially shaped through the embodied cultural capital of the previous generation (Reay et al., 2005).

Familial connections have tangible benefits in the form of valued social capital (Coleman, 2000: 28). Whilst there is no longer the necessity to utilise personal contacts to guarantee entry, social connections provide a clear competitive advantage for these individuals (Milburn, 2009; Ashley and Empson, 2013), as a valuable source of knowledge less available to unconnected individuals (Bourdieu, 1986). For unconnected participants, they are 'condemned to experience [legal professional culture] as unreal' (Bourdieu and Passeron, 1979: 53).

Moreover, there are statistically strong associations between the kinship connections within the profession and securing early work experience (Francis, 2011: 45; Francis, 2015: 187). Work experience is increasingly framed as a prerequisite for professional entry (Francis,

2015; Young Legal Aid Lawyers, 2013: 6), as an indicator of the best candidates. Indeed, Francis and Sommerlad identify work experience as the 'hidden moment' in professional closure and reproduction, providing a significant opportunity for identity development (2009: 65) and future recruitment. Access to work experience will be revisited in Chapter 6.

4.3.2 Academic Credentials

Academic excellence forms the meritocratic basis for professional entry (Cook, Faulconbridge and Muzio, 2012: 1754; Francis, 2011; Larson, 1977). One of the more striking traits which was common to the corporate based participant, but not universally present in the other participants, was the benefit of a prestigious education. This included private school education, attendance at higher tier universities and undertaking non-compulsory postgraduate education as a precursor to the Legal Practice Course. After completing her LLB at a prestigious Russell Group university, Parveen explained her motivation for undertaking a specialised postgraduate degree:

'By the time I graduated, I just thought 'oh my god, I really don't think I've had the kind of exposure that I wanted in commercial/ corporate subjects', so I decided to do a specialist Masters in Commercial...'

(Parveen, 26, Early Career, Commercial, No Children, Russell Group, Immediate Connections to Legal Profession)

This sentiment was echoed by Razia:

'It was deemed quite specialist knowledge and I got a fairly decent job in the City based on my work experience and my masters...'

(Razia, 27, Early Career, Corporate-Immigration, No Children, Russell Group, No Connections to Profession)

Pursuit of a non-compulsory postgraduate degree before the LPC confers a clear advantage. Both Parveen and Razia believed their LLB had not been tailored to their professional interests in sufficient detail, consequently feeling the desire to complete a specialised master's degree. Human capital theory presents participation in education as a valuable investment; yielding social and private returns, including better career progression opportunities, and a wider labour market scope (Tomlinson, 2008: 50; Ashton and Green, 1996). In a competitive marketplace, the optional acquisition of specialist knowledge may be seen as a distinguishing factor for employers amongst the other pre-requisites, presenting the candidate as equipped with an increased awareness of the field.

Furthermore, it could be argued that the relative value of undergraduate degrees within the marketplace has diminished within recent years (Collins, 2002: 229). The number of law degrees obtained by students has vastly increased (HESA, 2015-16), perpetuated particularly by the impact of post-1992 institutions which have broadened the access of higher education amongst groups who were otherwise poorly represented at university level (Shiner, 2000: 94). The protected base of knowledge has gone from the preserve of the elite (Larson, 1977) to being within the grasp of the wider population. Challenged with an oversupply of producers, the profession increasingly requires higher-level degrees from graduates to differentiate between applicants (Collier, 2002: 229). Consequently, the acquisition of the LLB is no longer sufficient to be competitive in legal market as it once was. As Tomlinson suggests, this credential inflation has corresponded with the expansion of the middle classes, requiring individuals to increase their educational attainment. Instead of reflecting an increase in the skills required for the position in question, the upsurge in the educational attainment means that the 'stakes have been raised for what is needed to get jobs' (2008: 51)

As a voluntary addition to compulsory LPC training, postgraduate education remains a significant privilege, feasible only for a small proportion of economically advantaged

graduates. Undertaking an additional year of full time study (or 2 years part-time), students may become increasingly reliant on family. As Brown suggests, this becomes reflective of an 'educational parentocracy', as an individual's success becomes increasingly based on their parents' wealth and resources rather than their own abilities and efforts (1990: 66).

4.3.3 University Calibre

In light of the expansion higher education since the 1990s, this role of socioeconomic background is also highly influential when observing the calibre of universities attended by the participants. Participants were asked to disclose their alma mater via the questionnaire distributed before the interviews. Although there is too little data to provide any quantitative assertions regarding the participants, 6 had attended prestigious Russell Group and Red Brick universities - this included all of the city-based participants and both Partners.

University calibre was not explicitly discussed by the participants. However, whilst making reference to her own modest background, Razia subtly highlighted the prestige of her university from its student profile:

'I remember when I was doing my master's...but there were people on my master's that were privately educated...and people from Columbia who had Barack Obama as their admin law teacher...they were just so cultured'

(Razia, 27, Early Career, Corporate-Immigration, No Children, Russell Group, No Connections to Profession)

Attendance at a higher tier university (for undergraduate or postgraduate education), as opposed to a newer or post-1992 institution, may similarly continue to provide valuable reputational capital for many firms (Francis, 2011: 41; Sommerlad et al., 2010; Rolfe and Anderson, 2003), notwithstanding the equality rhetoric suggesting openness to all regardless of 'what or where they studied' (Slaughter and May, 2017). Whilst corporate/ city firms have

made significant efforts to debunk perceptions of elitism within their selection processes, there continues to be a significant link between elite university attendance and recruitment within prestigious fields. Cook, Faulconbridge and Muzio's survey of City firm webpages found a disproportionate representation of graduates from the UK's leading universities - including Oxbridge, the Russell Group, Exeter and Durham (2012: 1755).

Classed cultural and human capitals are entwined; to gain access into an elite firm, a 2.1 from a pre-1992 institution is an essential pre-requisite (Sommerlad, 2007: 204; Shiner, 1999). Thus, the type of institution attended continues to be an indicator of individual status (Sommerlad et al., 2010: 14), and the positionality of the graduate amongst the stratified educational structures where newer post-1992 institutions are dismissed as 'inauthentic spaces' (Francis, 2011: 41; Archer, 2007a: 641). Pre-1992, or 'older', universities are targeted by larger firms for recruitment 'work', preparing presentations and tailored recruitment advice for the student cohort. Few firms have links with newer, post-1992 institutions for one simple reason: given the choice, they prefer to recruit from an 'old' universities (Rolfe and Anderson, 2003: 321). This leaves the attendees of lower tier universities - most likely to be students from more disadvantaged or ethnic backgrounds (Vignaendra, et al., 2000) - at a sizable disadvantage in comparison; further compounding the effects of other disadvantages such as poorer A-level grades and lack of personal connections within the profession (Rolfe and Anderson 2003: 322). As Francis suggests, there is a danger this form of stratification may intensify following the rise, and subsequent variability, of chargeable tuition fees (2011: 41).

Participants were as likely to attend lower tier universities for their QLDs, (4 out of 8 non-City/ Corporate based participants had attended a post-1992 or non-Russell Group university, as opposed to 0 of the 3 Corporate based participants), and less likely to hold a postgraduate degree before the LPC/ BPTC (Only 2 of 8 non-corporate compared to 2 of 3 corporate based participants). Considering the lower exposure to larger City or regional firms

through their university links, attendees at these institutions may not have access to the same advantages within the marketplace as held by the previous portion of participants (Rolfe and Anderson, 2003: 321). This comparative disadvantage may then be a potential, albeit minor, contributor to the apathetic or generally negative conception of corporate/ commercial firms as 'money and business orientated', in which they had little interest:

'I've never been into going into big commercial firms, or anything like that...'

(Taibah, 24, Paralegal, Family, No Children, Post-1992, Connections to Other Professions)

The lack of enthusiasm toward commercial practice may assist in providing a justification for their restricted position within the legal marketplace.

4.4 Employability and Market Competition

Nonetheless, Beck signals the changing relevance of the classed dialectic, through what he terms 'reflexive modernity' (1992, Atkinson, 2010). Disembedded from historical social forms, the self becomes central in the rise of 'institutionalised individualization' - the process of 'becoming' who we want to be, limited only by our own aspirations (Brown and Hesketh, 2004: 46; Lash, 2002). As Bauman suggests, in a nutshell 'individualization' consists in transforming 'identity' from a 'given' into a 'task', 'charging actors with the responsibility for performing that task and for the consequences' (Bauman, 2002: xv).

This section focuses on the reflexive capabilities of Muslim women to competitively position themselves, in order to maximise recruitment success. It examines how varied cultural, gendered and ethnic capitals are understood, and effectively deployed to attractively market their personal 'employability' to firms.

4.4.1 The Competitive Field

Participants often made reference to the volatility of the professional market, procuring a challenging marketplace for new graduates seeking access to the profession:

'The first thing is the lack of job opportunities within the market. The problem is, if you see the Law Gazette, there was a time when you could see a few pages about job vacancies. Now there is just one page'

(Anisah, 37, Mid-Career, Family, 2 Children, Prestigious University, Connections to Other Professions)

Anisah's observation acutely reflects the substantially increased competition for new graduates within the professional market (Muzio and Ackroyd, 2007). However, fresh out of university, the financial instability has a limiting effect on agency; significantly constraining the available access routes opportunities. Any preconceived decisions to practice within a specific field may be overshadowed by the rocky economic climate, and the amassed student debt after training. This can, as Sommerlad et al. suggest, require a 'radical rethink of priorities, strategies and targets' (2010: 59).

2 of the participants - Taibah and Sarah - graduated from the BPTC with aspirations of becoming barristers. Both had discussed the hypercompetitive nature of the bar, and the demoralising effects of repeated rejection:

'It's extremely difficult. The competition is so tough, it's unbelievable. I get emails saying 'unsuccessful', 'unsuccessful'...and you don't...sort of think 'oh no!' You start to think, 'oh yeah...kind of expected that''

(Taibah, 24, Paralegal, Family, No Children, Post-1992, Connections to Other Professions)

'I came out of [BPTC] I...like every student, desperate to find a job in the legal market [...] I got told everywhere that I was overqualified...I was like, 'no, I just want a job, please!'"

(Sarah, 26, Early Career, Personal Injury, No Children, Pre-1992, Connections to Other Professions)

Numerous unsuccessful applications for pupillages had forced them both to engage in a 'radical rethink' of their career strategies, and reorienting their aspirations (Sommerlad et al., 2010: 57). Thus, 'settling' for paralegal work was increasingly viewed as an acceptable 'step' on the professional career ladder (2010: 35).

Taibah identified her work as a paralegal as purely temporary compromise, with a view to 'moving on' when she gets her pupillage:

'I wanted to pursue a career as a barrister. I've been [here] for nearly 10 months, and I'm just here until I get my pupillage...so once I get my pupillage with chambers, I will move on to that.'

Despite being a family paralegal, Taibah confessed her real passion was, in fact, criminal law:

'I know right now, criminal's going to be really exciting, and that's where it all lies- that's where all the action is. But you've got to be able to put up with all that as well'

Amidst her growing anxiety, Taibah had begun to explore alternative, and increasingly creative, ways of maximising her employability as a barrister. She discussed her future plans to take up an unpaid internship to 'boost' her chances:

'I think this year I am going to do an internship in America - work with prisoners on death row. Apparently that should boost my chances of getting a pupillage. You've got to stand out from the crowd...'

In contrast to Taibah, amidst her growing despondency, Sarah felt the need to 'cash in' on her education. This was reflected in her subsequent decision to cross-qualify as a solicitor:

'I didn't want to waste my education...I thought 'I need to cash in on my qualifications!' Either I start transferring to be a solicitor, or I end up hovering in the middle bracket, and I am a person who is BPTC qualified without a pupillage, or you cross-qualify and actually become a solicitor, so that's what I've done!'

The limited availability of training contracts specifically was discussed by Halimah, who reflected on its consequences for new LPC graduates:

'It's very hard, you know to get a training contract. I don't know how I got it [...] I know my friends who are not Muslims and they are also still waiting...it's the market like that'

(Halimah, 25, Trainee, Crime, No Children, Russell Group, No Connections to Profession)

The participants' responses suggested that was a much wider phenomenon occurring across groups seeking to enter the profession, not solely ethnic groups. With the wider expansion of HE, there are much greater numbers of law graduates, than training contracts (or pupillages) available (Law Society, Annual Statistics Report, 2016). Actors may be driven to apply for lower paid positions which they may not have previously considered, or are potentially over-qualified for (Sommerlad et al. 2010: 59). Contextualised against the competitive market, individuals must subsequently strategise to pursue firms which they assume offer maximum chances of success (Brown and Hesketh, 2004: 25; Shiner, 2000: 21; Sommerlad and Sanderson, 1998; Melville and Laing, 2007).

Moreover, marketable capital amounts to more than educational credentials and skills. Whilst knowledge has been heralded as the currency of mobility, Brown and Hesketh

argue a key dimension of agency lies in how their economic value is attractively packaged within a narrative of 'employability'. In other words, it is the ability to package one's experiences, personality and accomplishments in a way which is appealing to future employers (2004: 36). This self-reflexivity (Giddens, 1991; Beck, 1992; Beck and Beck-Gernsheim, 2002) forms the basis for the entrepreneurial spirit often demanded by the city/ corporate elite (Sommerlad, 2011a).

4.4.2 Capital as Currency of Employability

The dimensions of employability highlight the complexity of marginalised experience. With expanding globalisation, coupled with the rising demand for Islamic financial products and legal services (Hussain, 2014), a Muslim woman's gendered, raced and religious identity can increasingly be considered as valued capital if marketed effectively.

Therefore, the multi-faceted identity traits possessed by Muslim women do not necessarily act as a barrier to her employability across the broader profession. Thus, participants were able to capitalise on these particular cultural (and social) assets to maximise their chances of profit within a particular professional field (Bourdieu 1991: 230).

Ethno-Religious Capital

The value of a shared language and greater understanding of minority cultures was recognised, and treated as an asset by particular firms, who perceived a benefit from employing individuals with these characteristics. The cultural and social value of these traits could be used as 'currency' in firms who draw business from a particular minority clientele, or within an ethnically heterogeneous locality. This was identified by Halimah:

'They're quite a diverse office...they're very open, and I like it about them...actually, no, it's quite advantageous, 'cause when they interviewed me, they knew I can speak

languages...I can speak Hindi, Gujarati and Punjabi, and Urdu...and most of the [firm] office are Asian as well, so it's quite advantageous to them...'

(Halimah, 25, Trainee, Crime, No Children, Russell Group, No Connections to Profession)

The impact of recruiting practitioners with knowledge of a local minority language is particularly valuable in the context of marketing and client networking:

'I mean, a number of clients that see me here sat at reception working here, will just pop in...and won't be areas of law that we can deal with, but will be simply the mother tongue or the language that is the common thing...'

(Dina, 39, Partner, Crime, No Children, Post-1992, No Connections to Profession)

Muslim women, as Dina suggested, were able to establish a mutual cultural understanding, crossing fixed social and racial boundaries; an understanding of the self-conscious 'otherness' that characterises their daily lives (Bhopal, 2009: 34):

'It's probably important to relate to somebody who understands the religion, the culture and the race...you know, they wouldn't be able to have this conversation with somebody who's white...and a non-Muslim'

Thus, the visibility of Muslim practitioners, in conjunction with shared cultural traits such as language, is a highly attractive attribute for clients. The presence of a shared culture may provide the practitioners with an understanding of specific clients' needs, whilst also increasing client comfort levels, and encouraging openness when dealing with the firm. This may then have an added influence on the recruitment practices of firms who work with, or who are looking to attract, such clients. Firms based within a locality with a large minority population may specifically target training contracts towards individuals possessing the necessary language skills and cultural awareness.

'In areas like ****, there's a lot of culturally diverse clients, and they need to have people who - I think they advertise now, 'we want someone...a Punjabi speaking person please'...'cause they need the clientele... it works as an asset for you...for me, and for the company; it really, really helps.'

(Halimah, 25, Trainee, Crime, No Children, Russell Group, No Connections to Profession)

Recognition of ethnic capital assets was largely discussed outside of the city/corporate sectors. However, Razia also spoke of the strategic benefit of cultural skills in her elite firm:

'The reason I got my training contract was because I had this amazing niche corporate experience; but, ultimately I spoke the language that these migrants were speaking...'

(Razia, 27, Early Career, Corporate-Immigration, No Children, Russell Group, No Connections to Profession)

Razia's career trajectory demonstrates the complex interrelations between class, gender, race and religion. A Muslim woman's social self is always located at the intersection of multiple and competing social positions, producing a layered habitus (Decoteau, 2016: 303). Class does not merely interact with other identity facets, but can actively reframe and reconstruct marginalised identity to the benefit of an applicant. Ethnicity mediated by elite credentials provide greater ontological complicity (Bourdieu, 1990: 11-2; Puwar, 2004) between the field and her habitus. Combined with the correct classed and educational warrants, a Muslim women's habitus can thus appear to be sufficiently compliant; her ethnicised characteristics able to be read as cultural capital (Sommerlad, 2007: 206).

Gendered Capital

In a similar manner, certain participants spoke of the benefits of their sex and gendered identity when working in their specialism. The gendered dimensions of the field shape a person's action and interaction within the masculinity of institutional arenas (Muzio and Bolton, 2006: 84). Feminisation is bound to systems of sedimentation and segregation within the profession (2006: 85). This is particularly true for specialisms which are deeply embedded within the personal sphere, such as matrimonial and child care disputes (Sommerlad, 2003: 204): areas perceived as 'feminine' against the backdrop of rational, hyper-masculinised law (Sommerlad and Sanderson, 1998). Menkel-Meadow (1995: 58) further suggests that women are more likely to possess the ability to greater understand the human complexities of the legal problems, and are thus more likely to adopt a less confrontational, sensitive approach to their clients' needs (1995: 34-5). Menkel-Meadow's hypothesis is problematic. It is difficult to conceive women as an essentialised unitary category, existing a priori and apart from hierarchies of power (Sommerlad, 2003: 196; see also Collins, 2002b). Nonetheless, the perception of 'gendered lawyering' was referenced by numerous participants, believing their gender was a desirable attribute by clients:

'It works in my favour sometimes as well [...] When I go to a detention centre, they want a female to kinda say 'it's okay' and they can break down and have that emotional sort of...release as opposed to a male solicitor who just doesn't care...'

(Razia, 27, Early Career, Corporate-Immigration, No Children, Russell Group, No Connections to Profession)

'Being female is really important in the Legal Profession, because you've got to represent those women who are...a woman can understand...if you've got someone vulnerable, it's a woman who can really feel for that person...'

(Dina, 39, Partner, Crime, No Children, Post-1992, No Connections to Profession)

'Some of the areas such as family, they need a female touch to it...the amount of sensitivity and a sensitive ear...and I think women provide that'

(Halimah, 25, Trainee, Crime, No Children, Russell Group, No Connections to Profession)

This emphasises the internalised gendered expectations often held by clients, that the female will adopt alternative styles of lawyering to the male paradigm, with the natural ability to grant legitimacy to a client's emotional concerns (Sommerlad, 2003: 200; Francis, 2006; Bolton and Muzio, 2007). In response, an actor may conform in performing to the standard of empathy and understanding that the client expects.

For these participants, there was a distinctive privilege associated with their gender when working within these fields. However, the intersection of religion or ethnicity adds nuance to their capabilities as an empathetic lawyer (see Sommerlad 2003: 201), as Dina highlights:

'You know, if you are representing a Muslim female whose children have been taken, and she's saying 'well there's Jinns and ghosts' and talking about her culture...or you've got forced marriages and so [...] They'll take [advice] better from you, because you understand that...'

(Dina, 39, Partner, Crime, No Children, Post-1992, No Connections to Profession)

Dina's narratives reveal how shared intersectional gendered and religious identity can better facilitate the development of rapport. Fellow Muslim women mark her as 'one of them', and consequently feel able to discuss personal details about their lives without feeling 'othered'. Belief in 'jinns' inspires a familiarity, which may otherwise be dismissed as 'strange' or 'alien' by white non-Muslims (Bhopal, 2009: 27). At the same time, her gender allows her to empathise on a level that a Muslim male could not.

This cross-understanding, and the resulting attraction of this particular body of clients, may increase the marketable value of a female (and Muslim) practitioner working within these particular sectors.

4.5. Segregation and ‘Ghettoisation’

The positive constructions of the group’s employability were not uniform across the profession, and showed evidence of being restricted to certain segments of the profession. Respondents felt there was an over-saturation of Muslim women in particular practice areas, such as immigration and personal injury. This was highlighted by Sana, as she expressed her rather jaded outlook towards her future:

'It's a joke between us Asian err...community that we're all PI and erm, we're all, you know that sort of thing. So yeah, I would be restricted...'

(Sana, 22, LPC Student, No Children, Pre-1992, Connections to Other Professions)

Zayaan similarly commented on this ‘ethnic divide’:

‘My profession tends to have a higher proportion of err, people from ethnic minorities, I think, working in it than corporate law, or you know, wills and probate. You know, that’s an interesting [question]- why are there more Pakistanis and Indians and Nigerians who do asylum and immigration law? I don’t know what the answer is, I think it’s complicated.’

(Zayaan, 45, Mid-Career, Law Centre, 2 Children, Russell Group, Connections to Other Professions)

As Zayaan suggests, the reasons are, indeed, complex. I argue the cumulative factors addressed in this chapter are having a clear sedimentary effect on minority groups (Bolton and Muzio 2007; Nicholson, 2005): funnelling them towards the ‘edge’ of the profession (Francis,

2011), where they have a greater likelihood of success. The group may assess their chances within these areas as greater and pursue these avenues to meet their own personal mobility aims; chances which may not be available for them elsewhere.

Furthermore, the locality and calibre of these firms are not equal across sectors. Sana further expressed concerns about her locality being restricted:

'Location wise, I would be restricted. I mean, I can tell you where the Asian firms are in [towns]...they're in very Asian areas that are run down areas as well; they're not affluent areas at all.'

(Sana, 22, LPC Student, No Children, Pre-1992, Connections to Other Professions)

Sana referred to firms with a higher proportion of ethnic minorities as 'Asian firms'; firms which have a greater likelihood of being positioned in less economically affluent areas (Gilliat-Ray, 2010: 125), drawing much of their work from their own community (Nicholson, 2005: 207). As Puwar notes, even though Muslim women have managed to enter spaces they were not expected to occupy, as insiders they are restricted to spaces that bear a resemblance to stereotypical racial and gendered scripts. Thus, 'whilst their movement into these elite positions disrupts traditional boundaries, old boundaries can be reintroduced within the parameters of these spaces (2004: 146).

These boundaries may be redrawn within lower-status, lower-paid specialisms, contributing to their continued saturation within 'ghetto' firms (Nicholson, 2005: 207). Whilst Muslim women are overwhelmingly still concentrated into lower prestige, and often volatile professional sectors, personal mobility may only constitute only a partial success story.

4.6. Muslim Women, Motherhood and the Centrality of Family

After successfully negotiating entry into the profession, Muslim women encounter a new set of professional challenges. This section will shift focus onto the continuing issues

surrounding the accommodation of Muslim women within the legal profession. Following Coser (1978) and Wallace (2008), I will argue that Muslim women are caught between the 'greedy', or 'jealous', institutions of professional work and family. Moreover, I begin to contextualise the narratives of Muslim women in light of their broader ethno-religious and culturally gendered expectations.

The issues concerning female accommodation, and the balance of the professional and private have long been identified within the research literature (McGlynn, 1998; Sommerlad and Sanderson, 1998; Webley and Duff, 2007). The discourse of hyper-competitiveness has perpetuated the normalisation of long working hours, and a fervent commitment to the firm (Wald, 2010: 2263; Thornton, 2014: 154). For women, these professional commitments must be carefully managed alongside family and childcare responsibilities, which, alongside gendered social closure, contribute to the difficulties in full participation (Wallace, 2008; Thornton, 2014; Sommerlad and Sanderson, 1998; Witz, 1992).

Much like Sturm's exemplar of the 'miner's canary' (1997: 126), focus on female progress within the profession is arguably a barometer, indicating how the profession is working as a whole. Women are more likely to be disadvantaged than men and as such can operate as indicators of problems within the profession (Webley and Duff, 2007: 380-1). Nonetheless, their positions have been subjected to more frequent examination than that of Muslim women. Women's experience of disadvantage and discrimination therefore has the potential to be the 'tip of an iceberg' in discovering deeper problems within the wider profession for many minority groups (2007: 381).

As expected, the participants' narratives correlated strongly with the previous research, raising many of the same issues. This group are prone to disadvantage within the profession on account of their sex, in comparison to their male counterparts. This is a very real phenomenon, having a tangible impact on their career progression and comfort within a firm

(2007: 370). There is still a significant gap between the numbers of female and male partners, whilst women continue to exit the profession in far greater numbers than men (Law Society Statistical Report, 2016).

However, I argue these issues are symptomatic of the broader concerns facing minority women. Muslim women are more than their gender; their religion, race and ethnicity intersect with their professional commitments, resulting in the production of barriers to participation/ progression which are present within this group (Crenshaw, 1991).

4.6.1 Accommodation of Women in the Profession

The literature has continuously made reference to the idea of a 'masculine profession'; that is, a profession developed and structured by men which works in practice to benefit males (Sommerlad and Sanderson, 1998). This was highlighted as a precursor by a number of participants:

'Historically, it's been a profession for men...'

(Dina, 39, Partner, Crime, No Children, Post-1992, No Connections to Profession)

'It's a good thing that women are coming, 'cause before it was all just a male area'

(Halimah, 25, Trainee, Crime, No Children, Russell Group, No Connections to Profession)

Despite this, the profession has emphasised a culture of gender neutrality for both sexes within its confines. This expectation, however, is more easily and readily met by male practitioners; women are more likely to fall short as they move throughout their careers (Webley and Duff, 2007: 379). The purported 'bleached out professional' (Wilkins, 1998) is, in fact, axiomatically embedded within a masculinised professional project: the notions of expertise, rationality, control and commitment readily discount any qualities associated with the 'feminine' (Davies, 1996). This ultimately paves the way for more covert forms of gender

discrimination (Webley and Duff, 2007: 378), such as difficulties surrounding commitment and caring responsibilities. 9 out of the 12 participants raised concerns regarding children and childcare:

‘I think women in the legal profession...erm, women with children in the legal profession face specific problems’

(Zayaan, 45, Mid-Career, Law Centre, 2 Children, Russell Group, Connections to Other Professions)

These concerns will now be addressed in turn.

Work Pressures

Over half of the participants made reference to the expectation and demand to put in long hours at work: working to draw in additional work for the firm and to meet their own personal targets:

‘Erm, of later [sic]...and becoming more common, we’re just so busy that I’m having to work a lot more. Erm...so I always get in for 9.30am...yeah, so I stay late, so I finish about 7-8pm, sometimes 9.30pm...’

(Sarah, 26, Early Career, Personal Injury, No Children, Pre-1992, Connections to Other Professions)

Whilst solicitors often work long hours in the office, participants also indicated they regularly worked from home during evenings and weekends as evidence of their dedication (Wallace, 2008: 480; Thompson et al., 1999):

‘I work from home on Sundays, it kind of...it almost feels like I do a 6 day week, not a 5 day week...’

(Sarah, 26, Early Career, Personal Injury, No Children, Pre-1992, Connections to Other Professions)

Dina further described her work as being 'ever present', frequently working through holidays and annual leave:

'I worked through holidays, and I worked through Christmas...and in fact, Thursday and Friday I wasn't supposed to be working; I took off Thursday and Friday, and instead I have done work'

(Dina, 39, Partner, Crime, No Children, Post-1992, No Connections to Profession)

'Greedy' Institutions

Both Dina and Sarah, whilst partnered, indicated no current childcare concerns. Complications arise when negotiating family needs, such as the demands of childcare. New mother Miriam emphasised her changing capabilities to live up to the professional demands since becoming a mother:

'I can't really live my life on deadlines...I mean it's fine when you don't have a family...'

(Miriam, 34, Head of Department, Commercial, 1 Child, Russell Group, Immediate Connections to Legal Profession)

Whilst possessing the potentiality to produce difficulties for *all* individuals⁴, the cultural construction of childcare is acutely gendered (Thornton, 2014; Smithson and Stokoe, 2005). Thus Miriam emphasised the suitability of her former lifestyle for single women or individuals without caring responsibilities.

⁴ See also Richard Collier's (2012) work on negotiating the work-life balance for fathers.

Miriam was able to negotiate a degree of flexibility to care for her young child. However, she was frequently subjected to 'micro-aggressions' from her colleagues, which she found highly distressing:

"Erm, you know comments like 'oh, half day?'...and it's those sort of remarks that really get on my nerves, because I would think me coming to work was actually the least energy consuming part of my day. The hardest part of my day was actually looking after my child...I really found it quite soul destroying'

Miriam described her experiences of being stuck in the midst of her family and professional life - and the related dismissal of her commitment and hard work - as 'soul destroying'.

The issues surrounding commitment are echoed within the previous literature on women (Sommerlad and Sanderson 1998, Webley and Duff, 2007, McGlynn 1998), highlighting the dichotomy between the professional and the private spheres; the continuous 'push and pull' of wanting to fulfil the expectations of family, whilst submitting to the pressing demands of the profession. Describing this powerful dialectic as 'work/ life balance' is misleading. It appears that the struggle is not one of a delicate balancing act, but a battle in which both the profession and family greedily compete for the dominant share of a woman's time, efforts and energy (Wallace, 2008; Coser, 1974). Competing demands on our time and energy are only manageable insofar as each institution's demands are reasonable and accommodating (Sullivan, 2014: 3). Coser thus distinguishes between 'greedy institutions' and Goffman's 'total institutions'. Goffman characterises 'total institutions' as the provision of a physical barrier to social intercourse, including high walls, locked doors, barbed wire and open terrain (1961: 313). 'Greedy institutions' use non-physical mechanisms to restrain its members; as Coser explains

Members of greedy institutions must be so fully and totally committed to them that they become unavailable for alternative lines of action (1974: 8)

The themes of greed and jealousy are emphasised throughout the interviews, and form the discursive thread which weaves through this chapter, and the remainder of this thesis.

Kinship and Childcare Support

For a woman who comes back after the birth of a child, the question of “who’s going to take care of the kids?” (Anisah, 37, Mid-Career, Family, 2 Children, Prestigious University, Connections to Other Profession) is a pressing concern. Does she have a willing spouse or parent available to take care of the child unpaid? Can she afford a nursery space, childminder or nanny? Would there be sufficient affordable care available for unsociable hours? Thus, a Muslim woman is faced with a myriad of options, dependent on her family composition and available finances, the implications of which must be carefully considered.

The plea for adequate and affordable child care as a solution to the inequitable representation of women within the professional spheres is not a new one (Thornton and Bagust, 2007: 785). In particular, the financial viability of hired childcare was significant concern for a number of participants, moreso for those with more than one child as Anisah illustrated:

‘I have not sent [my children] to nursery. I will not be able to pay two fees...my colleague pays £1500 for both of his sons, so I wouldn’t do that’

(Anisah, 37, Mid-Career, Family, 2 Children, Prestigious University, Connections to Other Professions)

Faced with significant fees, heavy reliance on close family formulated a vital lifeline for Anisah, in helping to care for her young twins:

‘I have to ask my parents, my parents...well, when my mother in law’s here, because they are just visitors, they can’t stay more than 6 months, they have to go back home. Every time I have to think, ‘what’s after June, what’s after June?’...so...yeah, probably

end up calling my parents back. So, it's quite worrying; I end up thinking 'am I going to do this for the end of my life? [sic]...'

However, as Anisah's parents-in-law were based in India, her childcare arrangements were only temporary. Paradoxically, when attempting to negotiate childcare arrangements for a smoother transition back into the profession and away from the domestic sphere, the woman may revert to an increasingly reliant relationship with her family for the sake of support. After seeming to distance herself from her family commitments, family must be reintroduced as a vital aspect in helping to meet her career objectives and obligations. Consequently, her success becomes strongly reliant on the co-operation and understanding of her family and community. Dependency as an adult, as Anisah indicated, may produce feelings of shame and distress. For a Muslim woman whose religious and cultural background emphasises the significance of the mother (Becher, 2008); she may fall prey to the cultural constructions of 'good mother' vs 'bad mother', requiring continual justification to the family regarding her absence during the critical period of her child's life. Zayaan and Anisah described the dilemma over paid childcare as a 'catch-22 situation':

'I can't afford anymore childcare when I already have...it's just a catch-22 situation, so...I, err...you work harder to earn more money to pay for more childcare...'

(Zayaan, 45, Mid-Career, Law Centre, 2 Children, Russell Group, Connections to Other Professions)

'If you were on lower wages, you can't send them to nursery. At the same time, you work here with low wages, you send them to nursery, and you get nothing in your hand'

(Anisah, 37, Mid-Career, Family, 2 Children, Prestigious University, Connections to Other Professions)

This reflected the cyclical dilemma of childcare: income is commensurate by time. Therefore, more childcare is needed in order to work longer hours; longer hours are needed in order to pay for childcare. Thus, women who are able to afford childcare are arguably better placed to negotiate the demands of the profession.

Therefore, the concern of paid childcare is effectively rooted in social class. Members of the profession working in higher paid specialisms, or those with a greater degree of background affluence, may not experience the same challenges faced by those with less disposable income. Mercantile capital purchases time and greater bargaining power, allowing for the smoother negotiation of working hours and home life without reliance on the family unit. Success begets success; firmly cementing the middle-class professional status for these women, and the subsequent transfer of desirable cultural capital for their children.

The gendered division of childcare has resulted an increased call for flexibility and the availability of part-time work for working mothers (Sommerlad, 2002: 220). Flexible work policies have subsequently been accepted, and even embraced by some firms (Thornton and Bagust, 2007: 787). This availability and access to flexible hours was used by younger participants as a means of self-reassurance about their future plans:

‘We have had a number of women who have gone on maternity leave...erm, and they’ve always been welcomed back, and it’s fine. We’ve got people working on flexi, 3 day weeks...whatever...’

(Parveen, 26, Early Career, Commercial, No Children, Russell Group, Immediate Connections to Legal Profession)

This was raised by Halimah as a means of swiftly alleviating concerns about the future:

‘One of my partners...she does 2 days at home because she has children. It shows [the firm’s] flexibility; our firm is very open minded...I think because a lot of women here are doing it, it makes it much more...better...[sic]’

(Halimah, 25, Trainee, Crime, No Children, Russell Group, No Connections to Profession)

Despite its perceived benefits, this ‘solution’, however, was not uniformly offered across the profession. It is possible that women still experience resistance, or even hostility, towards a request for flexible working arrangements (Sommerlad, 2002: 219; Thornton and Bagust, 2007; Thompson et al., 1999):

‘Where I work, we are not allowed to work at home...if you work from home, that’s your choice, but you can’t call it ‘work time’, unless it’s been authorized and getting the authority to work from home is difficult...revisiting that policy would help somebody like me...’

(Zayaan, 45, Mid-Career, Law Centre, 2 Children, Russell Group, Connections to Other Professions)

Paradoxically, the flexible working patterns women have fought hard for may have a negative effect in practice, taken as evidence of a woman’s lack of commitment. As Thornton and Bagust suggest, there is no serious talk about flexible work practices for men; childcare still perceived as a wholly feminised endeavour (2007: 780). Consequently, the type and quality of work offered to women had declined since adopting flexible work practices (2007: 787), frequently being offered ‘mundane’ work in a supportive capacity. For Thornton and Bagust, flexible provisions lie at the heart of the equality conundrum: the fear remains that feminisation may cause male flight. While the senior echelons of the professional hierarchy

remain predominantly male, this male exodus may be averted. Consequently, there remains an element of 'anti-feminism' underpinning flexible working (2007: 782).

Motherhood and Progression

Non-compliance with the profession's 'greedy' requirements also has implications for partnership. Women entering into the profession tend to demonstrate patterns of progression that are much less linear than their male counterparts (Krakauer and Chen, 2003: 68). Thus, those who work flexible hours, or who take career breaks to have children, are placed at a disadvantage in the meritocratic selection processes of partnership (Sommerlad, 2002: 223). This was discussed by Miriam, who detailed her experience of returning to her previous firm after having her first child:

'I feel like I really scuppered my chances of partnership, because when I was on maternity leave, the person they had hired to do my maternity cover quickly became partner...So in the space of 12 months, even though I'd been there for 3 years, you know grinding away, they really quickly made someone else partner, and I feel that that really spoke volumes...'

(Miriam, 34, Head of Department, Commercial, 1 Child, Russell Group, Immediate Connections to Legal Profession)

Miriam felt her 3 years of committed hard work had been automatically devalued by her firm, in favour of her temporary male replacement. As Cain demonstrates, working mothers often suffer a devaluation of themselves and of their professional abilities by co-workers and employers (Cain, 2011: 73), placing them at a disadvantage in line for partnership.

The issues discussed here are not isolated solely to women with children, but have the ability to mark all women entrants as 'potential mothers'. McGlynn (1998) suggests that since the potential for motherhood is inherent in women; they are homogeneously viewed as

having reduced commitment potential by the profession. This reduced potential for commitment to the profession may have visible impacts on initial female entry, with the profession adopting a form of exclusionary closure strategy to keep out those with deficiencies in human capital. This was a concern raised by participants:

‘People think about maternity...’I don’t want to train someone and in 2 or 3 years, she gets pregnant and has a child’...and a bloke; he’s steady, he’s not going to go off for childbirth, he’s got a wife or a girlfriend...’

(Dina, 39, Partner, Crime, No Children, Post-1992, No Connections to Profession)

Halimah expressed sympathy with a firm’s potential cautionary attitude towards women:

‘The employers want a person who’s always there and who they can depend on, and with a woman they’re not sure...it’s not just Muslim women, it’s women in general...’

(Halimah, 25, Trainee, Crime, No Children, Russell Group, No Connections to Profession)

It seems the practical implications of combining the private and public spheres ensure that women remain at the margins of the profession (Bolton and Muzio, 2007). To revisit the analogy at the beginning of this section: are the issues that women face the ‘tip of the iceberg’ when exploring the experiences of minority groups, and what does this tell us about Muslim women?

4.6.2 The Role of the Muslim Wife and Mother

The challenges surrounding commitment and the private sphere arguably cut much deeper into the lives of these women, due to their intersecting identities. The discussion of Muslim women working in the profession must take into account the ways in which these differing communities have temporally constructed their own structures of gender and family relations; underpinned by community interpretation of Islamic and cultural ideology (Ansari,

2003: 252). This difference in cultural identity plays a crucial role in constraining 'choices', and restructuring career strategies. This section will focus on the construction of her cultural habitus: the ways of 'being and feeling' one's self to be a mother and wife, good or bad, within social, cultural and religious discourse (see Cain, 2009: 124)

The Centrality of Marriage

For practising Muslims, marriage (*nikah*) is a sacred covenant: part of the intrinsic 'essence' of Islam (Leeman, 2009: 754). The Prophet Muhammed placed particular emphasis on the centrality of marriage in the lives of Muslims, remarking that 'Marriage is my *sunnah*⁵. Whosoever keeps away from it is not from me' (Bukhari 7.67.1). Many of the UK migrant communities retain their cultural and religious practices of marriage after migration (Talbani and Hasanali, 2000: 617), cementing marriage as the normative behaviour within these communities. The role that marriage takes within these communities is multi-faceted (Piela, 2011), but it is worth noting that marriage is the only socially and religiously sanctioned sexual relationship for Muslims (Siddiqui, 2007; Hassouneh-Phillips, 2001: 931). Consequently, a Muslim woman is often socialized to look forward to marriage from an early age (Hassouneh-Phillips, 2001: 931), thus being more likely to marry at a younger age than her non-Muslim counterparts.

The religious and cultural perceptions of marriage permeated the discussions with the participants:

'It's being Asian as well, it's like you know...if you're not married at 28 there's something wrong in Asian society, it's like 'why is she not married? Because the first thing we do, we graduate uni and it's like 'okay, let's get you married off!' (laughs) because being a practicing Muslim as well, erm...you know, you don't believe in sexual

⁵ '*Sunnah*' – Translated as 'clear path', suggesting the usual practice of a follower of the Prophet

relations before marriage so, you know you kind of want to get married soon so you can have a bit of fun!

(Sana, 22, LPC Student, No Children, Pre-1992, Connections to Other Professions)

Harsh descriptors such as 'sell by date' were used to emphasise the community feelings (namely from older generations) towards unmarried 'older' women (Ahmed, 2012):

'I don't know whether it's a generational thing, they think 'my daughter should be married by the 21 -23, 24 bracket', and if they don't get married by then, they've passed their sell by date...'

(Sarah, 26, Early Career, Personal Injury, No Children, Pre-1992, Connections to Other Professions)

Sarah vividly highlights the urgency and pressure to marry placed upon a young Muslim female; both internally and by family and community. To place this into perspective, the average UK marriageable age has seen a yearly increase, breaking the barrier of 30 for the first time in 2011 (Office for National Statistics, 2011a), with first births following this trend.

Earlier marriage has the potential to displace focus on entry and initial career development and, consequently, the establishment of marketable human capital:

'They don't persevere...I guess that's the problem, because those women want to get married, and then have children...it becomes a side-issue, doesn't it?

(Dina, 39, Partner, Crime, No Children, Post-1992, No Connections to Profession)

Following from the earlier cultural expectation of marriage for Muslim women, the pressure of childbearing from family may naturally follow in fast succession, as indicated by Dina. Sana confessed her anxiety surround her future husband's frustration in her inability to start a family during her early career:

'My husband will be a bit frustrated at the fact that I can't have kids, or you know, I right now...'

(Sana, 22, LPC Student, No Children, Pre-1992, Connections to Other Professions)

The Complementary Gendered Divide

Spousal pressure leads us directly into a second issue which may place significant restrictions in the working lives of Muslim women: the cultural demands placed on women as wives and mothers. Participants who had discussed marriage and marital relationships identified these issues as disproportionately affecting Muslim women within the profession, through the construction of a culturally gendered divide:

'I think all women have to face that, but with Muslims it's different, in the way that...Muslim men expect more from their wife.'

(Sana, 22, LPC Student, No Children, Pre-1992, Connections to Other Professions)

Carole Pateman's (1988) *The Sexual Contract* explores the patriarchal origins of social contract theory, and its function in legitimising male domination over women. Fundamentally, marriage is a domestic labour contract: a 'feudal relic' remaining yet unreformed (1988: 118). The sexual division of labour within the marriage contract reflects the patriarchal ordering of history, where the women are positioned as sexual and economic slaves within the home (see Thompson, 1970; Mill, 1970) in exchange for male financial support. The role does not change significantly when the woman moves into the paid labour force; instead she becomes a working wife who increases the length of her working day (Pateman, 1988: 140). A career outside the home may only be acceptable if she continues to perform her role in the home as if not in employment (Basit, 1997: 139).

Whilst Pateman's sexual contract is useful in understanding women's labour experience, its universal applicability across multiple gender modalities is contoured through

raced, ethnic and classed lines. These are limitations Pateman herself acknowledged (Puwar and Pateman, 2002). Inextricably entwined with Western-centrism, this characterisation of female emancipation leaves little room for the complexity of non-Westernised Muslim experience.

Women in the study were eager to establish a clear distinction between patriarchal 'culture' and female empowerment under Islam:

'There is a very important rule for women, People think Islam is very rigid...but Islam is the religion that has given power to women. If you read these constitution articles, 'the right to work', 'the right to life' that we have been using in human rights- it's all been derived from Islam [...] If you see Indian culture...I know in my religion the woman has been given the best position, she's never been deprived of anything. It's the culture that's responsible for the secondary position'

(Anisah, 37, Mid-Career, Family, 2 Children, Prestigious University, Connections to Other Professions)

'People get mixed up that Islam says the woman is supposed to be a homemaker. No, actually Islam recognises that if a woman cooks and cleans, she is actually doing a favour for her husband - these are favours. This is her status - she is there to raise the next generation of people'

(Halimah, 25, Trainee, Crime, No Children, Russell Group, No Connections to Profession)

Direct interaction with Islamic scripture was therefore used as a method of resisting oppressive power dynamics. Anisah referenced the story of Prophet's first wife Khajida, used not only as an example of female empowerment within Islam, but also firm justification for married women's employment and economic independence from her husband (Piela, 2011):

'Our Prophet (peace be upon him) was for women's rights. The Prophet's first wife Khajida - she was one of the first business women'.

(Anisah, 37, Mid-Career, Family, 2 Children, Prestigious University, Connections to Other Professions)

However, the Qu'ran recognises a woman's central role as wife and mother within the structures of an Islamic marriage:

Men are the supporters of women, because Allah has stowed on the one more than the other, and for what they have to provide (for them) from their sources. So the righteous women are obedient and protect in the absence of their husbands that which God ordains to be protected. (Qur'an 4:34)

In return, women are blessed with an exonerated position within the household, and the promise of her husband helping her out (Piela, 2013: 61). Moreover, her husband has a duty to maintain the wife in the style she has been accustomed to (Qur'an 4:34). Far from the notions of unpaid domestic labour emphasised by Pateman, Muslim mothers were subsequently entitled to payment for housework and the suckling of their children (Afshar, 1998: 118). This heavily emphasised by Sana:

'I have every right to work and everything I earn is mine, religiously, he can't take anything away from me. He looks after me, and everything I earn is mine!'

(Sana, 22, LPC Student, No Children, Pre-1992, Connections to Other Professions)

The resultant aim is to produce gender equity, and a stable environment for raising children (Brown, 2006: 425). Conservative in appearance, Islamic feminism argues these values avoid the dismissal of the domestic as a 'secondary status', but one that is paid, equal and fully complementary (Contractor, 2012: 100; Ahmed, 1992). Furthermore, as Afshar suggests, this

knowledge of Islam provides a woman leverage to best negotiate her own matrimonial and employment prospects (1998: 119).

Mindful of the hybridity of culture and Islamic values, participants felt there were certain expectations that had been ingrained through family and community, to fulfil the fluid cultural conceptions of a 'good wife':

'Even now...like my husband doesn't feel like he gets what he should out of a good wife...I think it's a Muslim wife as well, because your duty is to your husband and your family, and...err...his family'

(Sarah, 26, Early Career, Personal Injury, No Children, Pre-1992, Connections to Other Professions)

This extended to the expectation of undertaking traditionally ascribed female duties within the household such as cooking, cleaning and rearing children, which fall squarely in the domain of the female:

'I can feel it now, sometimes, like...my...when my fella complains like 'my wife's never home...my wife's never got dinner for me...' 'cause he's been so bloody mollycoddled by his mum, and he's had it ingrained in him from a really young age that when you get married, your wife will look after you, she'll make the dinner, and she'll do everything in the house...'

(Sarah, 26, Early Career, Personal Injury, No Children, Pre-1992, Connections to Other Professions)

'Within the Asian community, it's a cultural side of it that if a husband is seen as feeding the baby or something, it's like...'Where's the mother? That's a woman's job!' type of thing; they would see that as a negative'

(Sophia, 28, Trainee, Crime, No Children, Post-1992, Connections to Other Professions)

From the male perspective, it is plausible that these expectations may be present if he has been exposed to a 'traditional' marriage relationship through parents or extended family. As indicated by the participants, these ideals may be engrained sufficiently through their respective upbringings to produce a pressure on the woman to submit to these additional demands. This was recognised by Sarah, who felt compelled to firmly negotiate the conditions of marriage with her husband:

"I did tell him before we married, 'you do realise that if you wanted a housewife...you should have married whoever your mum and dad wanted you to marry. If you are marrying me, you are not going to get that, okay?'

(Sarah, 26, Early Career, Personal Injury, No Children, Pre-1992, Connections to Other Professions)

Thus, both Sophia and Sarah emphasised the need for a 'supportive' and 'progressive' husband, in order to fully empathise with her career plans and commitments:

'I think there may be people who have arranged marriages and stuff, and if they have an arranged marriage they might find it difficult, and their partners may not understand if they are working late and stuff...'

(Sophia, 28, Trainee, Crime, No Children, Post-1992, Connections to Other Professions)

'I think every woman who is a solicitor always has that difficulty about, a) getting married and being a good wife...and it all depends on how supportive the husband is, I think, and if your husband is...a traditional Muslim husband...if my husband wasn't as modern as he is, I wouldn't be able to do this'

(Sarah, 26, Early Career, Personal Injury, No Children, Pre-1992, Connections to Other Professions)

Nosheen's ex-husband had vocally demonstrated his unhappiness with her working patterns, and subsequently requested her to restrict her working hours against her wishes:

'I'm kind of a workaholic. Before I got married, I would spend my time at work, but then my husband said 'Nosheen, we should be spending time together. I don't want you working as much.' I thought 'I don't really like that', but if he is saying I have to spend time at home, then fair enough'

(Nosheen, 33, Partner, Property, No Children, Russell Group, No Connections to Profession)

Therefore, participants heavily emphasised the centrality of spousal empathy and support in relation to their professional aspirations. This understanding, however, was not always present or possible. Women entering into 'traditional' marriage may find their strategic power to negotiate the conditions of their marriage vastly limited.

Furthermore, a husband's cultural bargaining power extended deep into the personal decisions that may be made by a woman. His dominant position as main breadwinner within the family may also allow him to exercise a certain amount of control over the timing of his children; empowered by the cultural pressure of a woman to bear children within a marriage:

'A male friend was saying to me...'but you have got to think about having kids and what's your husband going to say...' It was nothing new to me, I know all these things erm, it's true. I've got to think about having kids, and I've got to think about what my husband is going to say'

(Sana, 22, LPC Student, No Children, Pre-1992, Connections to Other Professions)

During the conversation with Sana, nothing was more striking than the admittance of her lack of individual agency in having children. Her male friend had been Muslim - providing an opinion of her future career prospects from his gendered perspective, indicating the weight of

her future husband's influence in childbearing and raising. This power dynamic within the marriage has the obvious potential to create further tensions in her ability to satisfy the demand between family and profession. The culturally constructed private sphere must contend with the possessive nature of professionalism; she must fully demonstrate her abilities and commitments as a lawyer, whilst fulfilling the expectations of marriage, and motherhood. The implications of the pressures surrounding marriage and children may produce difficulties that are not exclusive to this group, however, they are certainly observable to a much greater degree due to marriage being an event occurring relatively early within her career, and the subsequent duties associated with marriage. The role of young women is a valuable location within the community; both symbolically and maternally in the maintenance of cultural and ethnic value (Anthias and Yuval-Davis, 1992, Dwyer, 2000: 477)

The discussions of marriage and children are naturally interlinked: earlier marriage, in addition to any external pressures from family, has the potential to result in the earlier production of children. Childbearing results in periods of maternity leave, potential career breaks, and the well-researched issues associated with this in the profession. For a young professional, the timing of childbirth is crucial. This concern was voiced by Parveen:

'I think it really depends on the timing to be honest...I think I'd like to have some experience under my belt...and I think one should, before they start [having a family]...because you know, a year or two out of the law and...(pause) that's a long time'

(Parveen, 26, Early Career, Commercial, No Children, Russell Group, Immediate Connections to Legal Profession)

During the early stages of a professional career, the individual begins to build up her reputational capital as a lawyer (Sommerlad and Sanderson, 1998), developing a strong client base and reputation within the firm unfettered by any external responsibilities. This

reputational capital, and established client base, purchases greater freedom and control in negotiating the terms of her return in a way that benefits her (1998: 243). The break for childbirth and rearing, particularly during the early stages of her professional development, will often not allow the individual sufficient time to build up the reputational capital she needs for an easier transition back into professional life. With this career break potentially pushed forwards into this critical development period through community pressure, the transition can become a much more arduous task for the female, and can be damaging to her future career prospects.

Interpretations of Islamic Motherhood

Motherhood itself was a deeply personal issue separated from a husband's considerations, and was approached in different ways. For most participants, this responsibility was looked upon with pride, critically constitutive of their own agency in their own ways (Mahmood, 2005). They frequently reiterated the status given to a mother by Allah, and made reference to a particular Sunnah quote, 'Heaven is beneath the mother's feet' (Sunnah An-Nasa'i, no. 3104)

'Women has been given power...women has been called [sic]...the heaven is beneath a mother's feet...what's more than that?'

(Anisah, 37, Mid-Career, Family, 2 Children, Prestigious University, Connections to Other Professions)

'I wanna make sure if-if-if heaven's under my feet for my children, I wanna make sure I've done everything I can for them, for it to be under my feet, do you know what I mean? [...] So yeah, religiously speaking, that's a requirement of me'

(Sana, 22, LPC Student, No Children, Pre-1992, Connections to Other Professions)

The predestination of motherhood featured within Becher's (2008) study into South Asian Muslim families in the UK. Becher suggests the strong roots in the communities, which seems to transcend socio-economic positions to a certain degree. The quote is emphatic of the vital significance of the mother in the raising of children. In relation to the discussion of the cultural and Islamic duties of a woman as mother, this is the role which gives a female equal status alongside her husband. Her work as a mother is greatly valued, and it is through the bearing and education of the children that her religious obligations are fulfilled (Brown, 2006: 425). As Mahmood suggests, this idea of 'divine causality' within motherhood should not be read as an unpalatable or defeatist acceptance of social injustice, and patriarchal structures. Rather, in light of Allah's determinism, Muslim women still possess agentic power in strategising how to best deal with their positions (2005, 173) within the professional field.

Consequently, this had a visible impact on the career aspirations of a few of the participants, who believed their roles as mothers would have a profound impact on their futures within the profession. A paradigmatic example was found in a young trainee, who had entered into the profession with no desire to achieve partnership or stay longer term once having children:

'I have no expectation or wish to be in a long term career...I know it sounds backward thinking...I know...when I get married and have children – if I don't have children, I can work as much as I want and do whatever...but I know when I have children, I don't want to...they say that...well, in my religion we believe that a big difference a woman can make, is err, by raising another human being...you are what your upbringing was, that's a fact...'

(Halimah, 25, Trainee, Crime, No Children, Russell Group, No Connections to Profession)

Halimah's status as a prospective mother within her religion, and the subsequent demands placed upon her was cited as the main reason for this; she believed her natural progression into motherhood was to be embraced fully. Further to this, the participants had also pointed to their own family relationships as sources of encouragement to fulfilling their duties as mothers:

'My mum made me very confident; she made me strong...she focussed on me. Not rules and 'do this, do that', but attention and love...that giving me the understanding, and giving me the time. From 3-4-5 to 12 - from those ages it is very crucial. The mother has a very important influence on that child, and she lays the foundation.'

As a *Practiquant* Muslim, Halimah's choices need to be contextualised in reference to her Islamic rights. Islam enshrines her right to be fully financially supported by her husband after having children. Thus, she arguably enjoys the option of suspending paid employment indefinitely to prioritise motherhood; emphasizing their perception of the influence a mother has on her child's life, and reinforcing the connection of a mother with that of a teacher (Becher, 2008: 104). A similar perception was exhibited by Sana, who feared the repercussions of neglecting this duty:

'Nature has given me a different role to play, and if you don't play it properly, I think you will see some negative result in some way...'

(Sana, 22, LPC Student, No Children, Pre-1992, Connections to Other Professions)

Sana based her rationale on her own personal experience of being raised by a professional working mother, and its damaging effects:

'I've felt the first hand effects of it, when your mother is stressed at work...It's not nice. I don't want that for my kids.'

The responses of these participants indicate the type of mothers these women wish to be in the future. These women did not take their duties as a Muslim mother lightly. Motherhood is of deep personal significance; seen as a source of pride in fulfilling their 'heavenly expectations'. However, her training and experience built as a solicitor is not discarded; their background helps to inform the type of mother she wishes to be in the future, aiding the development of her own human capital. This capital is used as a valuable resource within her duty as mother and teacher to her children. The reluctance to climb the traditional hierarchies of progression within a firm, may indicate a more nuanced conception of what 'success' means to these participants.

The Pressures of Extended Family

Muslim women face additional commitments due to the intersection of their ethnic, cultural and religious obligations, which goes far deeper than what has been traditionally accounted for. 'Family' is an absolutely critical aspect of these women's lives, and in cultural terms, extends far beyond husband and children towards members of extended family and, in particular, parent in-laws. On a basic level, a number of participants spoke of the need to miss professional socialising and networking events due to family obligations:

'I have events in the family that I have to go to...I've got weddings and engagement parties and social events, and if I don't go, people will be like, 'why hasn't she come again? We invited her and she hasn't come', and it can look really rude'

(Sophia, 28, Trainee, Crime, No Children, Post-1992, Connections to Other Professions)

These events are implied to be a regular occurrence in the life of this group, due to the commitments towards (often large) extended families. Likewise, networking and socialising events within the profession can play a core part in the progression of an individual within a firm, a theme which will be explored in more depth in Chapter 5. The tension between these

two spheres, both private and professional, leaves the individual uncomfortably stretched. However, releasing either side bears risk: either damaging family relationships, or hindering professional progression.

Furthermore, extended family responsibilities are not limited to socialising dilemmas. The importance of family within a Muslim community is also highlighted through the traditional norm of the female living with her husband's family upon marriage (Dale et. al., 2002), or the symbolic joining of the female into the husband's family even without cohabitation. This was not an overly common theme for the participants within the study, but was mentioned as a potential concern by a 3 participants, Sarah, Sophia and Nosheen:

'It's the mentality that when she gets married, she belongs to the other family, whoever she marries'

(Sarah, 26, Early Career, Personal Injury, No Children, Pre-1992, Connections to Other Professions)

'A lot of Muslims, when they get married, stay at home with their in-laws and it can be really difficult to manage that life as well...'

(Sophia, 28, Trainee, Crime, No Children, Post-1992, Connections to Other Professions)

These expectations hold a normative status within South Asian communities, capable of exerting a broader impact on the professional lives of Muslim women. These cultural expectations see the duties of a wife towards her husband and children extended to parental in-laws. The expansion of her family produces additional expectations - a secondary set of opinions, expectations and duties - which may be less than accommodating to her individual choices or career prospects. Nosheen felt embarrassed whilst discussing the demands of her husband's parents:

'This is daft, but I had a curfew time of 6pm. I had to be home by 6pm [...] one day I got home late, about half past 6, and my father in law kicked off...'

(Nosheen, 33, Partner, Property, No Children, Russell Group, No Connections to Profession)

Although Nosheen did not live with her extended family, she spoke of her in-laws strict expectation that she would spend the entirety of her evenings with them, as the new member the family. This resulted in a curfew time being imposed by her husband in order to avoid any potential unpleasant family confrontations. These demands on her time did not allow for any work to be completed outside of work hours, placing undue pressure to complete her sizeable workload during her standard working hours. This resulted in feelings of intense frustration:

'I used to feel like I'd not been able to put that time in...and sometimes I'd think, 'What am I doing at home? I'm just watching some friggin' shitty Bollywood film that doesn't mean anything to me', do you know, it's just to be part of the family...do you understand?'

The danger of close proximity with extended family manifests itself as a potential difference in priorities. Nosheen and Sarah spoke of the lack of empathy and interest shown by their in-laws towards their career, which frequently resulted in active hostility:

'His mum drives me bonkers, because I can never have a decent enough conversation with her, 'cause whenever I start going 'oh, work's hard...long working hours' [...] his mum's response is give up, have kids, make me a grandma and come and be a good housewife. Every fucking time...and it drives me bonkers!'

(Sarah, 26, Early Career, Personal Injury, No Children, Pre-1992, Connections to Other Professions)

'Problem now has become...she comes out will all these funny taunts and stuff, and when I had my issues when I left my previous firm...there wasn't any sort of...you know like you and I are discussing? I wouldn't get any discussion; I'd just get dissed at...'

(Nosheen, 33, Partner, Property, No Children, Russell Group, No Connections to Profession)

The culturally ingrained subordination of the female to the husband and family within the marriage was revealed through Nosheen's narratives. Subsequently, Nosheen's marriage was characterised by jealousy:

'We had a TV advert on, which went on an Asian channel...and I was in that, and my husband pointed this out to his mum, like 'oh, Nosheen's on TV!' and erm, she turned her face away and said 'oh, you should have been on their first!'. There is a dislike for her daughter-in-law 'cause she thinks that her daughter-in-law's on a ladder that she may be higher up than her son...or that she might drive a better car, or she might earn more money...do you know what I mean? Even though I'm a lawyer, I'm perceived my other Muslims in a different way.'

As Nosheen and Sarah's experiences demonstrate, an unsupportive atmosphere within the home can prove detrimental on a much more personal level. The data collected from this group in relation to the professional and familial demands suggests a deep rooted identity conflict for some individuals; seemingly 'caught between two cultures' (Dwyer, 1999: 7, Brah, 1996). During her research of young Muslim women in 2000, Dwyer argues that these young women are members of a new diaspora, characterised by a personal identity cutting across national boundaries, and challenging fixed notions of belonging (2000: 475). The young women within Dwyer's study were the same generation as a large section of the participants of this study, and had grown through the tension between the binary of 'home, family and

community' and 'professional life'. The two spheres within this binary, as exemplified through Nosheen, may be put at sharp odds against each other. Essentially, the woman must continuously learn to inhabit 2 separate spaces at the same time, to speak two different cultural languages and fluidly negotiate between them (Dwyer 2000: 475). In considering the role that women have traditionally played within the reproduction of cultural and religious practice (Anthias and Yuval-Davis 1992, Dwyer 2000), the individual is at risk of being subjected to additional pressures and scrutiny (Dwyer 2000: 478) to conform to her ideal of wife, mother and daughter within the family unit. In light of this, navigating a profession, polarised with traditional norms and fiercely possessive in nature, potentially requires a strong support structure provided by the family. If missing, it may prove detrimental to either side: risking damage to career prospects and/or family relationships:

'If you've got difficulties at home, it's like a stigma, it can stop you progressing upwards because you can't put the time in. You've got to think, you know 'my home's my home', and if you get grief at home it stresses you out. Then you get grief at work, and that's another shit load of stress'

(Nosheen, 33, Partner, Property, No Children, Russell Group, No Connections to Profession)

Nosheen later separated from her husband, for reasons not stipulated within the interview. Her subsequent development towards partnership had signified a substantial acquisition of new power: free from the pressing demands of her family. The polarised demands from her husband's family and the profession were heavily implied as large contributors to the strain on marital relations, which had finally given way.

Consequently, assessing participants' relative positions within the profession, it seemed unsurprising that the expression of a lack of interest in, or pessimism about achieving partnership level was frequent amongst participants. Half of all participants interviewed

expressed a desire to leave the profession either imminently or at some point in the future. Perhaps understandably in this context, some participants felt resistance to consider the prospects of a long term career within the profession. This will be revisited in Chapter 6.

4.7. Conclusion

This chapter has sought to explore the extent to which marginal actors, in particular Muslim women, are able to exert their own agency in navigating the structural fields of the profession. Specifically, it has endeavoured to provide a more nuanced understanding of ‘free choice’ in the context of multiply-burdened identities through the intersections of race, class, religion and gender by asking the questions: What are the limitations for their free exercise of agency in choosing their field locations, and what limits are posed to progression through their own cultural positions?

As my data has shown, it seems that despite the rhetoric of ‘equal access’ to the profession, class still takes centre-stage in shaping the choices available to these actors. Socio-economic location play an integral part in determining the calibre of the university attended, and influence the obtainability of optional postgraduate education. Class also bestows on an individual the requisite social, cultural and educational capital which can frame other non-traditional identity traits in a more positive light. With the correct social capital, Muslim women and other marginal actors may be able to navigate the professional fields with greater ease than their non-traditional counterparts.

Furthermore, class continues to play a salient role in structuring individual choice. In the current economic climate, applicants to the profession must position themselves to ensure that they have the greatest chances of success in competing for entry. To maximise success, she must look to firms that actively construct ‘employability’ to favour her own capital. Both of these factors work to constrain her active choice in employment, and work to reproduce

segregating effects (and thus 'ghettoisation'); drawing Muslim women to the margins of the profession which suffer from lower levels of pay and status.

The prominent theme of 'family' has also begun to emerge. The data suggests that close nature 'family' within cultural and religious discourse can be represented as a significant resource for these individuals, in terms of financial and emotional support, childcare and the potential for the production of social capital. Conversely however, the construct of 'family' is much more complex than has previously been accounted for. In addition to the pressing demands of the jealous and 'greedy' profession, the close nature of family also brings a combatant pressure on the individual, in fulfilment of the additional roles and expectations placed upon them. The next chapter will examine the management of Muslimness within professional life.

Chapter 5. Managing 'Muslimness': Religious Identity,

Professional Culture and Internalised Conflict

'You don't want to feel different...nobody wants to feel different'

(Sana, 22, LPC Student, No Children, Pre-1992, Connections to Other Professions)

5.1 Introduction

This chapter explores how Muslim women live out their embodied 'Muslimness' whilst working within the gendered and racialised legal professional field. It demonstrates the strategies used by Muslim women to navigate the professional domain as self-identified religious subjects, embodying an identity that has been significantly 'othered' within wider society (see Modood, 2005), and alien to the profession as a whole.

Despite the rising academic achievement of Muslim women, recent findings by the Social Mobility Commission indicate that they continue to be affected by Islamophobia and discrimination within the workplace (Asthana, 2017, *The Guardian*). The legal professional culture places significant demands on its lawyers to progress within the firm; a Muslim woman must embody the dominant habitus of that field (Bourdieu, 1992), frequently requiring engagement with ritualised masculine, and often alcohol-fuelled forms of socialising (Sommerlad and Sanderson, 1998: 119; Webley and Duff, 2007; Hanlon, 1994; 1997). This contributes to the continued exclusion of Muslim women as religious subjects.

The outward manifestations of Islamic practice are visibly juxtaposed against the profession's normative secularised whiteness, whilst imbued with collective societal stigmatization (Ryan, 2011: 1048). Thus, subsequent discussions around religious identity conflict must be understood in the context of the complex power hierarchies which

characterise British social formation (Brah, 2006: 35). The cultural identity formation of a Muslim is an 'inherently political process' (Hall, 1995: 224); the resultant challenges faced by Muslim women are arguably symptomatic of the corrosive structural narratives in which these individuals operate.

Whilst it is important not to define Muslims by their religiosity, Islam remains an integral part of Muslim identity (Buitelaar, 2014: 165). Religious belief is foundational in our understanding of how actors think and act in certain ways (Olsson, 2009). Therefore, this chapter closely examines the challenges Muslim women encounter in reconciling their religious belief and practice with the firm's hegemonic culture, exemplified through the visible rituals of alcohol consumption, dress, speech and prayer. I am aware that 'visibility' remains a problematic category for analysis. Visibility captures these specific Islamic practices which will be addressed in this chapter, which contribute to Muslim women's professional marginalisation. As Contractor suggests, visibility is also caused by 'racial, cultural and linguistic differences, historical contexts of colonisation and integration versus assimilation debates' (2012: 6). Nonetheless, practitioners, whether they wear the *Hijab* or not, are most recognisable within the profession as visible Muslims, and continue to experience greater amounts of discrimination (Bowlby and Lloyd-Evans, 2009: 47-8).

I examine the emergence of an internalised conflict as individuals struggle to reconcile the different aspects of their 'fragmented consciousness' with the legal field (Hall, 1995: 258; Fletcher and Spracklen, 2012: 1311; Mirza, 2013: 10), a conflict which may result in detrimental impacts on their professional 'success' and subsequent psychological wellbeing (Wald, 2015: 2529; see also Costello, 2005).

My discussion follows 4 parts. Although categorised separately for practicality, I acknowledge the themes addressed within this chapter are fluid, porous and overlapping. Firstly, I revisit intersectionality in order to reflect the multiplicity of Islamic performance.

Secondly, I explore the role of alcohol dominated socialising practices in building relationships, before examining its consequential effect on the accommodation of Muslim women. I identify 3 strategies: acceptance/ concealment, cost-minimisation and non-participation.

Thirdly, I discuss how religious veiling, prayer and speech supply 'visual and audial disjunctures' (Mirza, 2013; Kyriacou and Johnston, 2006), contributing to the covert exclusion of Muslim women from legal spaces. Finally, I address the discursive theme of 'shame' and psychological distress, resulting from the fragmentation of their complex identities (Dwyer, 1997; Contractor, 2012).

5.2. Intersectionality and the Multiplicity of Muslimness

The participants' narratives exemplify how conflict resolution between the professional and religious self may be an easier task for some individuals than others. It is clear from the plurality of Muslim voices that are each 'situated differently and differentially across a variety of discourses' (Brah, 1996: 149). Whilst Islamic affiliation a visible marker of difference for these women (Buitelaar, 2006: 260) internal power conflicts, along the lines of race, class and gender, as well as her politics, culture and strength of piety (Yuval-Davies, 1997: 200), combine to influence her perspective and subsequent direction of professional strategy.

To understand the multiple accounts of Muslim religious expression, it is useful to engage with Buitelaar (2006; 2014) and Hermans' (2001) concept of the 'dialogical self'. Through her study of Muslim women living in the Netherlands, Buitelaar suggests that Muslim identity is orchestrated through voices which speak from different 'I-positions': the spatially embedded in the practices, power relations and discourses to which these individuals simultaneously belong (2006: 259-261). Individuals naturally occupy a plethora of cultural spaces at the same time which form the composite whole. What it is to practice Islam, or 'be

Muslim' varies between individuals, communities and social groups. The 'I' has the possibility to relocate from one position to another in accordance with changes in situation and time (Hermans, 2001: 248), allowing individuals to switch or combine different 'Ipositions' within various contexts (Buitelaar, 2006: 262). In Buitelaar's terms, there is no essentialised dissonance in Muslim identity when engaging with a range of social groups and cultural practice. Rather, Muslimness is communicated in a multitude of ways, as Muslim women respond to their varied positions and power relations within and between the socio-cultural fields they inhabit (2006: 260-261): they 'speak through the collective voices of the various groups to which they belong', obeying the rules and conventions of these groups (Buitelaar, 2014: 166). Some voices are allowed more room than others and, dependent on her situation and audience, particular voices may be turned up or turned down (2006: 264). Thus, Muslim identity has the potential to be actively managed by, 'reflexively and strategically fitting oneself into a community of 'strangers' by meeting their approval through the creation of the 'right impression'' (Côté, 1996: 421; van Halen and Janssen, 2004: 391).

For the participants of this study, their engagements in socialising events, manifestations of religious practice (*Hijab*, prayer etc.), as well as their interactions with their colleagues are determined by the religious and political voices which intersect to form their respective 'I-positions' within the profession (Mirza, 2013: 11).

5.3. Professional Socialising, Networking Practices and Muslim

Women

Legal professional life is not simply confined to the office; business and networking opportunities are increasingly elided with the social, where new bonds are forged and maintained. Past literature has drawn attention to these institutionalised rituals as hyper-masculinised, constructed around a heavy drinking culture (Webley and Duff, 2007: 387;

Sommerlad et al. 2010; Sommerlad and Sanderson, 1998). Women are often excluded from the 'fraternal contract' which characterises intra-professional and inter-client relationships (Thornton, 1996). However, research has underexplored its impact on Muslim women, who regularly abstain from alcohol consumption through religious and cultural restrictions.

This section considers the complex relationship between Islamic belief and these professional demands, signifying potential for the further exclusion and alienation of Muslim women. It further demonstrates the varied coping methods deployed by Muslim women to mitigate any emergent conflict between religious values and professional obligations, when negotiating inclusion into these professional spaces.

5.3.1 Sociability and Forging Relationships

Building professional relationships performs a dual function: building bonds within the firm and developing connections with clients (Sommerlad et al., 2010: 43). Progressionary structures are often dominated by informal considerations such as 'clubability' and personalist ties, exercised through informal methods of sponsorship, mentorship and patronage (Bolton and Muzio, 2007: 59-60; Sommerlad and Sanderson, 1998: 124).

After hours socialising and networking become vital activities for the career advancement of a lawyer, allowing ample opportunity for informal 'self-promotion' and impression management strategies (Kumra and Vinnecombe, 2006: 569; Singh, Kumra and Vinnecombe, 2002). As the legal professional is constructed as male, masculinity remains the core cultural capital required of the legal professional (Sommerlad and Sanderson, 1998: 121-2), underpinning the fraternal nature of bonding as a normality (Thornton, 1996). The requirement of the female as the discursive 'other' provides an 'unspoken pressure on women to assimilate', to build and maintain the cultural capital which characterises the very fabric of progression (Sommerlad and Sanderson, 1998: 122).

Whilst women were once excluded from gentlemen's clubs, they are now expected to engage in male dominated 'heavy drinking' sessions as a legitimate method of doing business (Bolton and Muzio, 2007: 56; Sommerlad, 2002; Sommerlad and Sanderson, 1998; Webley and Duff, 2006; Sommerlad et al. 2010). Drinking alcohol is itself a highly symbolic act, historically entrenched within the lives of the British (Lyons and Willott, 2008), dominating the construction of social and power relationships (Spracklen, 2011). The consumption of alcohol provides an essential ingredient in sociality, serving as a marker of identity, community membership and collective solidarity (Walker and Bridgman, 2013: 597-8), as well as playing a significant role in the social construction of maleness (Lyons and Willott, 2008) through the rites of excessive drinking and 'laddish' conversation.

These practices cannot be enjoyed by all. I suggest that in addition to engendered masculinity, these spaces of belonging are entrenched through culturally hegemonic 'whiteness', which subordinates Muslim women through their cultural and religious positions (see Fletcher and Spracklen, 2014). Miriam described the problem in the following way:

'There's a real culture of getting out there, laddish you know, nudging each other, and it's that type of thing that a lot of these girls don't know how to do, or choose not to for religious reasons...that really scuppers their chances, because I think it is a question of fit...do you fit in with the people there?'

(Miriam, 34, Head of Department, Commercial, 1 Child, Russell Group, Immediate Connections to Legal Profession)

Engagement in these events are often a standard expectation (Leigh-Kline, 1998: 60-61; Sommerlad and Sanderson, 1998: 140), frequently involving formal firm-organised events throughout the work calendar. For participants, this had included dinners, barbeques, debating competitions and partner-led 'fun days':

'...now [the firm] are focussing on having these social gatherings and events so everyone can socialise...we've been going out to restaurants and a seating plan, so you weren't sitting with the people you knew! They do loads of stuff like that...and I think they were doing- a debating and...yeah...a debating competition...'

(Halimah, 25, Trainee, Crime, No Children, Russell Group, No Connections to Profession)

'Erm, in the summer, the top dog partner...he invites everybody to come to his house and he will get...he gets the bouncy castles up, and he lets people's' family and kids come over, full on barbeques...drinks...everything.'

(Sarah, 26, Early Career, Personal Injury, No Children, Pre-1992, Connections to Other Professions)

This included 'lighter hearted' methods of bonding, provided through the jovial experiences of bouncy castles, barbeques and the full inclusion of family. These experiences provide the social lubricant designed to forge familiarity over food, drinks and other activities.

The tradition of socialising events is resilient in nature, and the participants' showed acute awareness for its importance in inter- and intra-firm bonding:

'[They're] focussing on having these social gatherings and events so everyone can socialise and...it just...it just builds the links between- 'cause there is 4 offices (sic) erm, it has 4 offices, so to maintain that link and connection between all of them, you need to make sure the people get along with each other'

(Halimah, 25, Trainee, Crime, No Children, Russell Group, No Connections to Profession)

'We have to network amongst ourselves for the other departments as well...'

(Sophia, 28, Trainee, Crime, No Children, Post-1992, Connections to Other Professions)

As well as playing a significant part in the culture of partnership, these events also occupy a dominant role in the creation of client relationships. The combined effects of deregulated professional monopolies, increased globalisation and recession (Muzio and Ackroyd, 2007: 732; Francis, 2004) has reconfigured the lawyer as an active 'entrepreneurial subject' (Sommerlad, 2011a: 76). Within the profit-oriented firm culture, there is a need for lawyers who are able to act as 'self-maximising productive units', displaying the entrepreneurial vigour to actively go out and win business for the firm (2011: 79). This was referenced by Parveen:

'You literally have to go out and find clients: it's a lot harder because of the competition.'

(Parveen, 26, Early Career, Commercial, No Children, Russell Group, Immediate Connections to Legal Profession)

This phenomenon was not exclusive to the corporate sector. Legal aid and non-corporate sectors have increasingly been commercialized (Sommerlad, 2011a; 1999). Networking events similarly provided space to advertise business, and procure loyalty to the firm's brand:

'We have to network, as part of advertising as well – we have to network. We have to put ourselves out there...and networking in relation to er...with your clients as well. You have to network with them to make sure that you're gonna be the ones that they will ring when they get arrested...'

(Sophia, 28, Trainee, Crime, No Children, Post-1992, Connections to Other Professions)

The cumulative effects of LASPO 2012, resulting in substantial controls placed on the access of legal aid funded firms, has had a detrimental impact upon the firm's' subsequent finances. Taibah subsequently discussed the legislation's resultant impact on competition:

'[it's] just something we have to do now since the legal aid changes, things have got quite hard. I think we've lost...probably up to 60% of our clients, because most of our clients were publicly funded...so, what we're trying to do is advertise as much as we can, to market so we can get more clients in on our fixed fee basis...'

(Taibah, 24, Paralegal, Family, No Children, Post-1992, Connections to Other Professions)

The prioritisation of business generation and client retention is therefore contingent on the skills of the entrepreneurial individual, where the commercial ability of a lawyer supersedes seniority and competence as the main pathway to career progression (Bolton and Muzio, 2007: 56).

5.3.2 Muslim Women, Socialising and Alcohol Consumption

For Muslim women, the entrepreneurial necessity to negotiate their own careers presents significant structural challenges. The time constraints imposed by the domestic arena and family already limit the inclusion of women in these after-hours events (Duff and Webley, 2004; see Chapter 4). I argue that the inclusion of these women is made increasingly complex through their embodied Muslimness; the specific religious and ethno-cultural values characterising their internal core sense of self, enunciated as the 'I' (Brah, 1996: 149; Buitelaar, 2006).

The most obvious concern for participants was the ability to adhere to the dietary requirements of their religion; to be mindful of what is considered halal or culturally permissible to engage with. Taibah and Sana stressed the difficulties surrounding fasting during Ramadan, and the availability of suitable halal food at these events, which hindered their full participation:

'I'm fasting you see. Once [the events] come about, I'm fasting...'

(Taibah, 24, Paralegal, Family, No Children, Post-1992, Connections to Other Professions)

‘Then there’s the food...there’s always like little pork pies and stuff...stupid stuff that we can’t eat, or canapés and stuff’

(Sarah, 26, Early Career, Personal Injury, No Children, Pre-1992, Connections to Other Professions)

However, alcohol usage in particular presents a complex relationship between religious piety, and perceived cultural norms, alongside psychological factors such as personality and affect (Najjar, et al. 2016: 1036). Whilst teetotalism is adopted for myriad personal reasons, Islam provides a clear prohibition towards the consumption of alcohol, where it is considered haram (or impermissible) within specific verses of the Qur’an (see Sura 2 (al-Baqrah). Ayah 219; Sura 5 (al-Ma’idah), Ayah 90), shaping broader cultural attitudes. Consequently, South Asian groups within the UK report a lower usage of alcohol than their white counterparts, particularly amongst women. Moreover, Muslims specifically report lower alcohol usage than any other religious group (Bradby and Williams, 2006: 308). Adherence to religious dietary restrictions is invariably influenced by the degree of individual piety, however, all participants identified themselves as ‘non-drinkers’. This raises the potential for a direct conflict between the profession’s social expectations and embodied Muslimness. As Miriam explained:

‘There’s a lot in terms of the whole Islamic thing that doesn’t sit very well with me in the sense that there is a very, very big drinking culture in this firm. Very big drinking culture in the profession, I find. Drinks, networking, more drinks, drinks...yeah, it’s just drinks...’

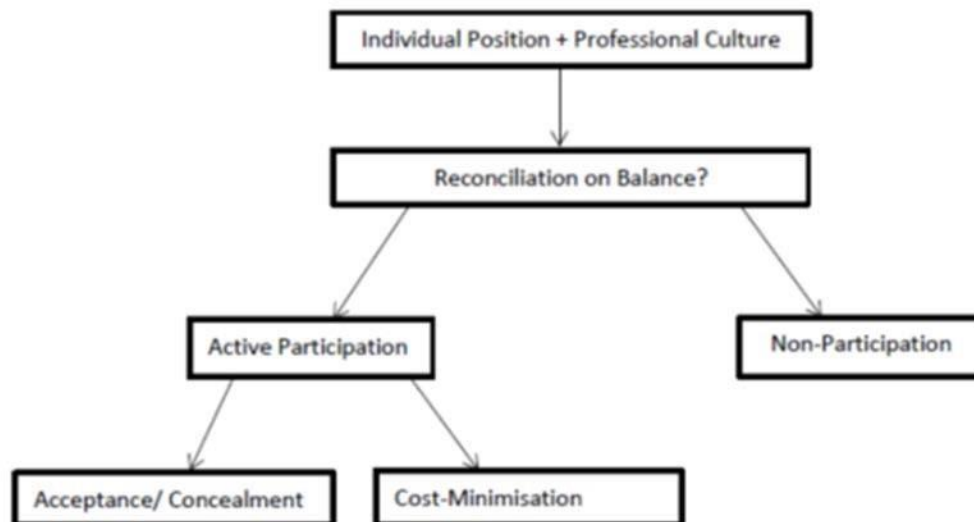
(Miriam, 34, Head of Department, Commercial, 1 Child, Russell Group, Immediate Connections to Legal Profession)

This cultural and religious disquiet complicates the long-term assimilation of Muslim teetotallers into the profession, through their potential inability to participate fully within the firm's valued rituals.

The discord between the expectations of the professional field, and the boundaries of embodied ethno-religious identity is indicative of what Gilroy (2010), and Modood (2005) term the new 'cultural racism'. Kathleen Hall, in her study of British Sikh communities, conceptualises implicit cultural racism as a form of nationalism; a cultural purity which manifests within English culture, heritage and communal identity (1995: 249). Muslim and white cultures are thus assumed to be 'mutually impermeable expressions of racial and national identity' (Gilroy, 2010: 68). Hall further suggests that non-white subjects are often perceived as capable of 'cultural change', and are frequently 'encouraged to reject their inferior cultures, and become absorbed as much as possible in the superior culture of the British'. As this faulty logic concludes, if they do not assimilate, they would 'only have themselves to blame' for their collective marginalisation and subsequent 'otherness' (Hall, 1995: 250). The expectation of cultural change is arguably deeply rooted within the abstract systems of partnership and progression: the gendered and ethnicised 'other' is expected to immerse themselves fully into the normality of firm culture. Participation in alcohol-fuelled professional ritual is normalised by the elite white male, with little space for cultural deviation. To drink is, therefore, to perform 'normality' and white Britishness (Fletcher and Spracklen, 2014: 1312). As such, Muslim women must enter into a form of situational cross-cultural negotiation from their subjective 'I-positions' within a hostile space, where her failure to progress becomes a matter of personal responsibility.

Two dominant discourses were presented within the data which will be explored in turn. The first majority group felt able to participate in the firm socialising rituals (albeit with varied levels of involvement). The second minority group felt unable to reconcile their internal Muslimness with these cultural practices. This is detailed in Figure 5.1.

Figure 5.1: Reconciliation of Professional Culture and Muslimness



5.3.3. Active Participation

The majority of Muslim women within the study felt able to participate in the firm's socialising activities. However, cultural difference and religious interpretation are crucial in negotiating the extent of their participation, and the dissonance when participating in these events.

Brah discusses the impact of transnational migration in creating new 'diasporic spaces' as 'contested cultural and political terrains where individual and collective memories collide,

reassemble and reconfigure'. Whilst these new locations are marked through problematic conceptions of 'belonging', it is possible to inhabit new spaces comfortably, without subscribing to its dominant discourses. Brah thus emphasises the possibility for Muslim women to 'feel at home' within the professional field, whilst simultaneously experiencing the structural exclusions which impede 'theirs' (Brah, 1996: 193-4). It is this distinction which I argue effectively characterises the experiences of the first group of participants. The participants within this majority position roughly fell into two sub-groups, which will be discussed in turn.

Sub-Group 1: Acceptance and Concealment Strategies

This first group expressed little dissonance between their Muslimness and socialising practices, and accepted firm rituals as something they could be actively involved with:

I: Are you happy to participate?

H: Yeah I'm happy to participate! 'Cause it's the firm I'm working for, so I want the best for it. So...until I leave! (Laughs)

(Halimah, 25, Trainee, Crime, No Children, Russell Group, No Connections to Profession)

This lack of immediate conflict must be understood in regard to in-firm diversity. Firms, such as Halimah's, employing higher numbers of BME/ Muslim lawyers may adapt the culture in accordance with minority identity and preference, and thus cater for difference in more inclusive methods of inter firm bonding and marketing.

Other participants were aware of a potential conflict between their religious identities, but used their agency to accept and quietly negotiate the difference to be read as palatable to the firm. This was expressed as not allowing 'religion to be a bar' to their professional obligations:

'I don't think my religion is a bar to anything, and I don't think it's good to use that as an excuse'

(Parveen, 26, Early Career, Commercial, No Children, Russell Group, Immediate Connections to Legal Profession)

'I don't drink, but I never say it's because I'm Muslim'

(Razia, 27, Early Career, Corporate-Immigration, No Children, Russell Group, No Connections to Profession)

The reasons for this non-disclosure strategy are varied and speculative, but are all indicative of her subjective positionality. In this context, self-identifying as 'Muslim' and practicing Islam mean different things to these participants (Mirza, 2013: 11). Parveen and Razia's understanding of 'Muslimness' is thus not necessarily contingent upon a public expression of faith. Parveen's statement 'I don't think my religion is a bar' reflects her particular 'i-position' within the legal space; her Muslim identity comfortably 'turned down' (Buitelaar, 2006: 264) to become less noisy in the presence of a non-Muslim audience. However, it would be prudent to acknowledge the possibility of a disruptive anxiety, manifest through the broader representations of Islam within current political discourse: a passive attempt at concealing through omission.

Despite the presence of alcohol, Parveen further indicated her willingness and comfort through enthusiastic involvement in firm hosted 'wine tasting' events:

'I managed to get through the whole evening without obviously drinking any wine, and without anyone noticing! Contributing...like you know, like smelling, and...I didn't drink it, and I didn't tell anyone I wasn't drinking it...I just kind of played along, and no-one really noticed!'

(Parveen, 26, Early Career, Commercial, No Children, Russell Group, Immediate Connections to Legal Profession)

Short of full participation, these participants erected strict behavioural boundaries formulated through their personalised understanding of belief and culture, which in turn influenced the direction of their actions. For Parveen, the direct consumption of alcohol was unacceptable, but her personal boundaries allowed her to mimic the physical motions of wine tasting.

The 'playing along' is a form of impression management orchestrated by these women, influencing their eventual perception by others within the firm (Singh, Kumra and Vinnicombe, 2002). Self-awareness allows for the careful monitoring of the Muslim self through the point of view of others, a conjecture which Charles Cooley (1922) and later Erving Goffman (1969) describe as the 'looking-glass self'. The management of self is demonstrated through careful balance of revealing and concealing (Goffman, 1969). This is a powerful career strategy. Through participation within these white, masculinised spaces, the Muslim woman is able to mitigate her distinctive 'otherness' to signal desirable cultural capital, whilst comfortably maintaining her religiously demarcated boundaries. This is similar to Carbado and Gulati phenomenon of 'partial passing', where the Muslim woman is taking actions to modify the social meanings of, or stereotypical assumptions about her Muslimness (2000: 1301).

This strategy is not without risk. If noticed, the intended concealment of abstinence can draw more attention to the individual than intended. This was identified by Razia:

'The CEO...he was really fascinated by the fact that I didn't drink, and he kept saying to me...at the time I just laughed about it because I think I'm quite laid back, but one of my friends...she said that 'don't you find it offensive when he was saying, 'oh, I'll give you a promotion if you have a drink?'' and I was like 'no!'...it's not to do with the fact that he's racist or anything...he's from the deep South, he doesn't understand that he's hired a Muslim girl in his **** office who doesn't drink'

(Razia, 27, Early Career, Corporate-Immigration, No Children, Russell Group, No Connections to Profession)

Whilst this persistence didn't offend the participant in question, her non-Muslim friend identified the source of potential offence that might have been taken at the insensitive nature of questioning from the CEO. The response was personal but specific to this participant. For Miriam, placed in the same position as Razia, this repetitive style of invasive questioning became deeply uncomfortable:

'...erm, and I find it quite hard to...at the moment- not really saying no, saying no isn't a problem, but it's the constant pressure of 'have a drink', 'why don't you drink?'

(Miriam, 34, Head of Department, Commercial, 1 Child, Russell Group, Immediate Connections to Legal Profession)

The pressure, and subsequent defensiveness needed to combat it, may become wearisome and dissuade the individual from further participation, or at least cause them to treat participation more cautiously. Moreover, the incessant comments can be perceived as 'micro-aggressions' - seemingly harmless comments which are designed to reduce and control the individual (Pierce, 1969) and to reinforce their outsider status (Essed, 1991). These micro-aggressions can be stressful. Participants must undergo a continuous process of deciphering the 'jokes', and deciding whether and how they should respond to their assailants. This is emotional and time consuming labour; if they choose to confront or respond, they may be accused of being 'too sensitive' (Yosso et al., 2009: 661) and further damaging their assimilation prospects.

Sub-Group 2: Cost-Minimisation Strategies

The second subgroup incorporates individuals who found conforming to the social standard more difficult than the first, and engaged in a more complex identity negotiation.

These participants perceived a direct conflict between their own personal beliefs but, fearing the repercussions of non-attendance, attempted to strike a balance between their religious ideals and participation. I have termed these 'cost-minimisation strategies': setting stringent personal limitations to cope effectively with both demands, with the aim to minimise resultant negative costs on both sides. An example of this delicate balance was provided by Nosheen and Miriam:

'Erm...I used to go to the Christmas dinners...(pause) I wouldn't like to stay there for a long time [...] I was the only Muslim ethnic minority in the whole firm...and it was late in the afternoon so...I went...because I thought it was not nice not to go, but I made a decision in my head that I'm not going to stay for that long because people start getting drunk and I don't like it.'

(Nosheen, 33, Partner, Property, No Children, Russell Group, No Connections to Profession)

'I normally go to about 50% of them. But there is a fine line at these events when everyone else is getting really merry and jolly and drunk...and you just can't carry on anymore in that environment because you're so sober...erm, and I think it can create the impression of you may not be one of the team, or you're a bit awkward or...yeah, I just- I try to leave before that point, so I'm always one of the first to leave...'

(Miriam, 34, Head of Department, Commercial, 1 Child, Russell Group, Immediate Connections to Legal Profession)

Because it was 'not nice not to go', these participants set up mental boundaries to govern their behaviour and toleration of others. Even this partial compromise be damaging; the individual places herself into a deeply uneasy environment where she still does not fully meet the standards of integration. She may experience unease among her intoxicated

contemporaries, reinforcing her exclusion. The loss of control may be mitigated by leaving early; however, leaving early risks drawing unwanted attention to her, and her absence.

Miriam had discussed her distress when issued with a reminder to live up to her employer's expectations of employees within the firm early in her career, without any understanding of her underlying reasons for abstaining:

'...it's one comment that upset me when I first started which was 'why don't you drink?', because it was my joining drinks, and I was like 'no, I don't drink'. 'You don't drink?! Oh, I would have never hired you then.'...and it was just that 'off the cuff' remark that I just thought, 'oh. How interesting'.'

(Miriam, 34, Head of Department, Commercial, 1 Child, Russell Group, Immediate Connections to Legal Profession)

This early pressure had led her to engage in activities against her conscious will, such as drinking a glass of wine earlier in her career and masquerading as a drinker in an effort to blend in with her colleagues:

'What I've done in this firm is rather than getting so much pressure to drink, [a colleague] even poured me a glass of wine and I just literally held it in my hand all evening...just to have the impression of drinking which I found really ridiculous'

The persistent pressure of her colleagues on her to drink had begun to wear thin, feeling relief only through temporarily presenting herself as drinker whilst holding her wine glass to signal outward conformity to the cultural norms. Another participant recounted the pressures facing her Muslim husband, who was also a lawyer:

'He has, in a way, had to put his religion on hold, and he is actually quite religious. He didn't used to drink, but the pressure of getting into the social circle is so great. It all

depends, I think, on how much you are willing to give up in order to follow the profession'

(Sarah, 26, Early Career, Personal Injury, No Children, Pre-1992, Connections to Other Professions)

Miriam's performance of socialising illustrates the challenges Muslim women face to appear 'normal' amongst her colleagues (Fletcher and Spracklen, 2014: 1321), against her inner convictions. Sarah suggested the challenge lies in 'how much a Muslim is willing to give up' in order to establish a place in the 'social circle'.

As Hall argues, a Muslim woman's efforts to negotiate firm ritual and her Muslim self is a choice to 'live their lives at the boundaries of two worlds' (1995: 261), referencing the potential for fluidity and hybridity of Muslim identities as they learn to 'mix' their two cultural worlds (Fletcher and Spracklen, 2014: 1321). Muslims must subsequently learn to 'compartmentalise', or fracture their identity positions to adapt to the professional culture (see Contractor, 2012; Dwyer, 1997). For Nosheen, this is a task which becomes easier over time:

'I think as I have got a bit older now, I can face more. I think when you are younger, you're a bit more naive and a bit more scared, but now it's not...it's not too bad, do you know what I mean? I'm not too bothered. I can cope with it.'

5.3.4. Non-Participation

This position was adopted by a minority of participants, who felt unable to comfortably reconcile the profession's demands with their embodied Muslimness. Their milieu of ethnicity, cultural background and religiosity meant the ability to adopt the dominant habitus of the field was notably harder for this group, leading to their 'self-exclusion' from these events.

The cycle of exclusion can be observed at the very beginning of a Muslim woman's career at the educational level (Manderson and Turner, 2006; Larson, 1977), through events such as compulsory dining events at the bar, professional networking dinners and small events where students are encouraged to socialise over drinks. Through these rituals, the students are given an opportunity to 'try on' the professional identity and perform the role of 'belonging' which can help provide the marketable capital for firm life (Manderson and Turner, 2006: 664-5). However, LPC student Sana reflected on the lack of suitable socialising events for Muslims at her Law School, and her resultant sense of exclusion:

'I wanted to go to [City Law School], and I read [its] prospectus and it stood out to me, erm that it said 'ooh there's loads of bars that you can socialise at...'cause us barristers- us lawyers they like to socialise at these places so there's this bar, and there's this pub, and there's this pub and...' there's not many options for those who don't drink...I would have been left out'

(Sana, 22, LPC Student, No Children, Pre-1992, Connections to Other Professions)

Thus ritualistic socialising and the consumption of alcohol become intrinsically entwined within professional culture. Moreover, it is the attendance at these events, regardless of the levels of participation, which hold the greatest significance (2006: 665). These early networking opportunities provide the individual with an opportunity to develop comfortability, even if one is unable to directly partake in aspects such as drinking. Unfortunately, this is highly problematic for individuals such as the students in Hopkins' study, who deem socialisation in the mere presence of alcohol highly inappropriate in accordance with their subjective faith positions (2010: 165).

Unfortunately, as Manderson and Turner suggest, these practices present this model as the normative, thus marginalising any alternatives where they are available (2006: 768). As a result, some may find it easier to simply ignore these kind of events, or at this level, to move

into more welcoming and less alien groups and societies within the institution. This can include religious or ethnically affiliated groups, such as Islamic Societies (Hopkins, 2010). With a distinct lack of comfortable alternatives offered to the 'traditional' networking methods, such students risk sacrificing important aspects of social development which can be used as marketable capital once within the profession (Francis and Sommerlad, 2009). Outside of the safety of the campus, the pressures to network and socialise are much more pronounced as the stakes become higher.

The options therefore available to the Muslim woman vary according to the degree of dissonance felt by the individual, and the strength and interpretation of their personal faith which determines how comfortable they feel in these alien environments. When the topic of socialisation in the presence of alcohol was broached, two of the participants in the study firmly stated their own beliefs were rigid and irreconcilable, thus attempting to forgo these events altogether:

'See what the problem is, is because you are Muslim, we don't go to pubs and drinks with [colleagues]. We don't go to...we don't go...we're not allowed. We don't drink...'

(Anisah, 37, Mid-Career, Family, 2 Children, Prestigious University, Connections to Other Professions)

Anisah's position is in sharp contrast to that of Parveen and Razia, who both felt at relative ease within bar and club settings. It is useful to consider the divergence in cultural background between these women: Parveen and Razia were both British born, steeped in the multicultural repertoire which configures their identity formations (see Hall, 1995: 244). Anisah is a first-generation migrant from India where cultural practices of sociality and bonding are performed in different ways, associating pub/ club/ bar settings as culturally unfamiliar spaces. Here, the subjectivity of the 3 women's narratives is a manifestation of differing subject positions they occupy. As Brah suggests, they articulate different religious and cultural positions on the

question of comfortability, tailored to the circumstances of the moment at which their 'choices' are formed (1996: 193).

However, Anisah's use of language reinforces the interplay between self-identification and other-identification of 'Muslim'. Scourfield et. al. argue that for ethnic minority communities, religion is central to the maintenance of cultural distinctiveness (2012: 93). Through her usage of the collective 'we', the participant establishes a shared basis for her abstention. Consequently, refusal on religious grounds was recognised as a legitimate objection by the other participants who did participate, and was observed with regularity. In discussing a particular event in a past firm, Nosheen recalled: 'Some Muslim colleagues went, 'we're not going, because there's alcohol there'' (Nosheen, 33, Partner, Property, No Children, Russell Group, No Connections to Profession), with no observable hint of disapproval or surprise.

The choices made by these women reveal a critical dilemma faced by Muslim women as they assess their perceptions of religious 'restrictions' and 'freedoms' (Hall, 1995: 254) reproduced within the legal field. For them, the self-constructed binary of religious/ cultural values vs. professional expectation and inclusion is not one which is easily reconcilable.

On the other hand, the struggle to get ahead will weigh heavily upon them. As well as the important emotional issues that may follow from poor bonds with work colleagues, following the discussions addressed in the previous chapter, non-participation may simply be perceived as another indicator the lack of commitment to the firm and its work. Anisah reflected pessimistically upon her non-attendance, and the potential eventual career ramifications:

'we don't go on Friday nights there, or out any time, we are at home. We cannot come home late...all these things will stop you getting closer to management, and if there's any promotion coming, because you were never with them, you are never in their mind, you know?'

(Anisah, 37, Mid-Career, Family, 2 Children, Prestigious University, Connections to Other Professions)

Her voice was tinged with helplessness and despair. Emphasising that she would never be ‘in their mind’ at the time of a promotional vacancy highlighted her fears of becoming invisible to her superiors. However, for practicing Muslims the potential implications of optional exclusion is beyond passive invisibility, but an active reaffirmation of their wilful self-segregation (Gale, 2013; Fletcher and Spracklen, 2014).

The discomfort in participation is, of course, not exclusive to Muslim lawyers. This sense of direct religious conflict was similarly observed by a participant in her firm’s white male Senior Partner, whom she described as a ‘strict Roman Catholic’:

‘This senior partner I knew, he didn’t go [to events]. He said to me, ‘Nosheen, I don’t go to these events, because I just think they are a waste of time, they just get drunk and do immoral things and they start sleeping around with each other...and all that kind of stuff’

(Nosheen, 33, Partner, Property, No Children, Russell Group, No Connections to Profession)

Nonetheless, there are a number of emergent differences between the narratives of Muslim women, and this Catholic Senior Partner. Unlike Islam, there is no comparable cultural or religious prohibition in Catholicism regarding the consumption of alcohol. Furthermore, the partner’s established gender, firm position and status supplied the power forgo these standard expectations altogether (see Battilana, 2006). Most importantly, however, the main difference arguably lies in the wider perceptions of their respective faiths. Christianity, even when embodied by a non-white subject, can be accepted within the parameters of Britishness: a privilege which is not extended towards Islam within broader societal discourse. As Fletcher

and Spracklen argue, actions justified on the grounds of Islam are not met with acceptance, but as confirmation that British Muslims are 'isolationist and uncommitted to integration' (2014: 1319).

Sana further highlighted the distinctiveness of her position as a Muslim woman:

'...if I was white it might be a different story if I said, 'oh, I don't drink' [...] but if I had, being Asian, and saying 'oh-...' - I'm blatantly Asian 'cause I'm brown as well (laughs) can't hide it! If I say 'oh, I don't drink' it immediately (claps) it brings back to the 'oh, culturally she's restricted' and you know, 'religiously she's restricted'...'

(Sana, 22, LPC Student, No Children, Pre-1992, Connections to Other Professions)

The ensuing Orientalisation of Muslim women (Dwyer, 1999; Said, 2003; Afshar, 2008) too readily allows for the characterisation of Muslims as the subordinate within the patriarchal traditions of Islam. It is on this basis I argue that the abstention of a white Christian is more likely to be accepted as an 'active choice' on the basis of his personal interpretation of religious text and tradition. This is a privilege which is not extended to the Muslim woman, as her religious action is indicative of her fundamental lack of personal agency.

The negative impact of non-attendance was not restricted to the individual concerned, but scrutiny was extended towards other Muslims in the firm, who were frequently asked to justify their colleagues' positions:

'Some Muslim colleagues went 'we're not going because there's alcohol there...the non-Muslims would say 'well, why are you coming and she's not?', but you'd just have to say 'it's each to their own''

(Nosheen, 33, Partner, Property, No Children, Russell Group, No Connections to Profession)

Nosheen's experience underscores a wider cultural phenomenon where Muslims, as part of a collective 'we', are asked to speak for others alongside oneself (Brubaker, 2012: 2). Muslims are held accountable for not only themselves as Muslims, but the actions her Muslim colleagues. Duty is imposed upon the individual to bring the conversation back to the individual 'I', to (re)emphasise the multiple subjectivities amongst Muslims.

5.4. Visual and Audial Disjunctions: The Act of Veiling, Prayer and Speech within Legal Spaces

Alongside the challenges surrounding socialising rituals, the participants outlined salient issues concerning their visible expression of religious adherence. This will be addressed in the following section. In particular, participants discussed issues surrounding *Hijab* and the requirement of prayer, both supplying visual and social 'disjunctions' within distinctively racialised legal spaces (Mirza, 2013: 10; Kyriacou and Johnstone, 2006). This was succinctly captured in the advice passed from father to daughter:

'My father...he's like 'don't be too outwardly Islamic' and you know, 'don't show that you want to practice'. The reason he says that it that he doesn't want me to be discriminated against by my employer'

(Sana, 22, LPC Student, No Children, Pre-1992, Connections to Other Professions)

Sana's father's, assumedly well-meaning, warning encapsulates the trepidation felt by some Muslim lawyers, as they seek to be included as players within a professional field which categorises visible Muslimness as unwelcome cultural capital. The visible impacts of *Hijab* and prayer will be discussed specifically in turn, before moving to a broader discussion regarding the silencing of Muslim voices.

5.4.1. The Visibility of *Hijab*

One of the core ways in which identity is inscribed into the body is through the habitus of dress, signalling a definitive identity ‘consonance’ or ‘dissonance’ to the professional habitus (Costello, 2004: 141; Entwistle, 2015). The art of self-presentation is a critical skill to be mastered early. Literature aimed at budding lawyers helpfully provides a plethora of handy ‘suggestions, thoughts, ideas, hints and tips on what to wear’:

Research clearly shows the visual impact is significant in terms of how you will be perceived the minute you walk into the room. With only one bite of the cherry, getting it right should be taken seriously. (Extract taken from Lawyer2B, January 2009)

The professional habitus designates the ‘iconic’ 3-piece business suit as it’s prescribed ‘uniform’, aiming to de-sexualise the sex-specificity of the masculine body (Collier, 1998: 33; Entwistle, 2015: 38). Past research has constructed dress as a gendered issue, contributing to the sustained subordination of women to men (Bartlett, 1994). As Thornton explains, women lawyers ‘are expected to look like women - that is, sexed - although the code requires they do not look sexual’ (1996, 226). The professional suit is imbued with cultural and symbolic capital, constructing males as the ‘paradigm agents of legality’ (Collier, 1998; 34). Whilst a woman don a tailored suit to match her male counterparts, her identity will always be that of a female professional, standing outside of the masculine norm (Entwistle, 2015; 38).

The habitus of dress naturally encroaches upon the individual agency of the lawyer, disabling them from making their own choices and expressing their own identities (Bartlett, 1994: 2546). The discipline of dress arguably becomes more nuanced for intersectional bodies, who manage their ethno-religious standards, alongside their embodied femininity. The onus is on an ethnic minority individual to carefully ‘bleach out’ (see Wilkins, 1995) any visible racialised markers from her body to limit the discrediting effects of racial and gendered stigma (Costello, 2004: 146).

Whilst the *Hijab* is a piece of cloth or 'veil' covering the hair and neck, it is pregnant with meaning (Ahmed, 2009; Ahmed, 1992; Contractor, 2012). Far from rendering the wearer invisible, their bodies and hair hidden behind swathes of cloth unequivocally brands them as Muslim women within white dominated spaces (Tarlo, 2010: 9; Siraj, 2011: 728), subsequently creating associated value judgements in the observer's eyes (2011: 725). Taibah spoke of her visibility as a female *Hijabi*:

'For an Asian male...you don't get the sudden 'he's Muslim' kind of thing...with an Asian Muslim woman who wears a headscarf, you straightaway think 'oh, she's Muslim'. You don't have to ask her, you don't have to question it: you just know straight away she's a Muslim'

(Taibah, 24, Paralegal, Family, No Children, Post-1992, Connections to Other Professions)

Influenced by Goffman (1969), Entwistle examines the way in which professional power operates as a discourse, which shapes the embodied experience of dress as professionals orient themselves towards different social settings (2015: 39). As discussed in Chapter 1, it is precisely the understanding of contextual space which provides this meaning to any discussion of choice surrounding both the usage, and removal, of *Hijab* within legal professional spaces (Siraj, 2011: 728).

British media has consistently abused the image of the veiled Muslim woman, strategically placed alongside overwhelmingly negative content (Tarlo, 2010: 10), whilst a conscious inclusion of *Hijab* into professional dress continues to make headline news ('*Hijab* Approved as Uniform Option by Scottish Police', The Telegraph, 24th August, 2016). Manel Hamzeh, in her US study of Muslim girls, terms the hidden gendered Islamophobia as *Hijabophobia*, a specific form of ethnoreligious discrimination levelled at *Hijab* wearing Muslim women (Hamzeh, 2011: 484). As a result, *Hijab* wearing women visibly become the

cultural and symbolic representatives of the wider Muslim community (Yuval-Davies, 1997), and a prime target for Islamophobia:

‘I feel like they are injecting another dose of discrimination against us Muslims in society...the other day, my friend- she was walking down the street, she wears *Hijab* - somebody spat at her and called her an effing Muslim’

(Sana, 22, LPC Student, No Children, Pre-1992, Connections to Other Professions)

Unsurprisingly, the negative representations of Muslim woman within wider socio-political discourse bleed into professional life. These discourses shape the dress choices of the Muslim women lawyer as she negotiates these legal spaces. Above all, participants expressed fear of discrimination as a result of their dress. Whilst discrimination on the basis of religion is prohibited under the s.10 Equality Act 2010, subsequently reflected in the SRA and Law Society Codes of Conduct, the fluid nature of marginalised identity and the amorphous process of recruitment allow discriminatory practices to ‘slip through the net’. Nosheen recalled her observations regarding the differential treatment of *Hijabi* women:

‘I was on a course, and there were two ladies wearing *Hijab*, and they had a long skirt on as well...you can clearly tell this is their identity, do you know what I mean? But...sometimes I find...it’s funny, sometimes you see people, and they won’t say hello to them. I don’t wear it, but you might find- it’s happened to me before, the person who said hello to me didn’t say hello to them’

(Nosheen, 33, Partner, Property, No Children, Russell Group, No Connections to Profession)

Experience of covert discrimination was discussed by Halimah, who devised a method of checking the ‘effect’ of her scarf:

'Sometimes I would wear my scarf for interviews, sometimes I wouldn't... I would pick, and some interviews I went to wearing my scarf, all it was, was a Paralegal/ admin job...and I- all they asked was my availability, and for me not to get the job, I was very surprised, and I think it was something to do with the scarf...'

You think it was to do with the scarf?

Yeah, if I'd have gone normally, I think ...er, they would have allowed it [...] I don't know why...er...er...maybe it affects their look or something; they weren't very culturally diverse...'

(Halimah, 25, Trainee, Crime, No Children, Russell Group, No Connections to Profession)

The idea of the *Hijab* projecting an undesirable image was discussed by participants in corporate firms, who perceived the Islamic dress as not corresponding with 'the look' of the firm. This is presumably reinforced by the cultural diversity within these firms and the clientele they serve. Sana consulted the image projected by larger, more prestigious firms in recruitment literature, and this had informed her opinion of her chances of 'fitting in' within that type of firm:

'I mean, how many times do I see a solicitor with a *Hijab* on one of the magic circle law firms' front pages? How many times do I see that? That's a practicing Muslim woman...in power, in one of the best...how often do I- have you ever seen it? I've never seen it. If I'd have seen it, I'd have printed it off and kept it! (laughs)'

(Sana, 22, LPC Student, No Children, Pre-1992, Connections to Other Professions)

Recruitment literature is carefully designed to communicate how a firm wishes to depict its normative culture to aspirant lawyers. Arguably, the literature also conveys powerful messages to minority applicants regarding the issues of equality and diversity within their

ranks. Collier invites us to consider what these materials have to say, if anything, about gender, ethnicity and class? And what do they state about equality and how this fits into the construct of the 'corporate lifestyle' they wish to market? (2005: 57). Collier reminds us that these first impressions matter. For Sana, the absence of the visible 'practicing Muslim women' in their pages signalled the hostility of that space, questioning whether the 'corporate lifestyle' would provide any room for her Muslim self-expression.

The dissonance between the corporate world and Islamic dress was addressed by Miriam. Smartly presented in a fitted blue suit dress, with neatly curled hair and speaking with a polished voice with little sign of any regional accent, she reflected on the image that she was hired to portray to her clients:

'My boss has actually- she's even said to me 'I hired you mainly because of the way you look, 'cause of the way you talk, because of your personality'...I'm always at functions, or events or-or networking, or at shows...and erm, and I think in her mind she had an image of that person she wanted to go out and do that. And that person wasn't with a headscarf.'

(Miriam, 34, Head of Department, Commercial, 1 Child, Russell Group, Immediate Connections to Legal Profession)

Miriam embodied the desirable image of the firm to her clients at networking events – possessing valuable symbolic capital - which would be marred by the presence of a headscarf effectively masking the fluidity of her identity (Afshar, 2013: 9). Miriam offered a distressing insight into her personal struggle with maintaining her desirable capital, whilst feeling an increasing pull towards her faith in recent years:

'I pray that one day that time will come when I have the strength to put a headscarf on my head...but the biggest thing that stops me, to be totally honest is the profession...I

don't feel that I can marry up the image of me at work, I just don't. I think there's too much prejudice, I don't think people would treat me the same...'

Due to the significance her employer had placed on outward appearance, Miriam felt the display of her outward identity would be too dissonant to reconcile with her professional identity ('I don't feel I can marry up the image of me at work'). This resulted in potential prejudice on the one hand, and internal turmoil between these two conflicting identities on the other. It is within these legal spaces that the *Hijab* becomes a marker of professional exclusion, in addition to the symbol of agentic power discussed in Chapter 1.

Another participant also raised concerns regarding the visibility of the *Hijab*, and its potential influence on her professional relationships with clients, particularly during her field of work as a family lawyer:

'I think sometimes people feel threatened by it...and I think if they feel threatened by it, then they should be able to create a comfortable environment where they are able to disclose information; and like I said, because I work as a family paralegal, we're talking about very private and sensitive issues that people discuss with their solicitors, and I think if...you know, if you...even if you go on about religion...either a client might be drawn to that, and open up more, or they might just close off and not want to speak to you...'

(Taibah, 24, Paralegal, Family, No Children, Post-1992, Connections to Other Professions)

Here the *Hijab* acts as a double-edged sword: some clients may feel threatened by its presence, whilst others may feel uncomfortable dealing with a Muslim woman, and thus reluctant to divulge sensitive information to them as a solicitor.

In addition to class, discussed in chapter 4, field location appears to be a key variable these women's experiences. A small minority who wore *Hijab* had done so without any major problems with their firms. Halimah, despite the difficulties in securing her training contract, made the decision to wear her *Hijab* in her smaller, high street firm with little reaction from her colleagues and clients:

'they were all really nice, and friendly...if they had reacted and been surprised, that would have made me feel awkward...'

(Halimah, 25, Trainee, Crime, No Children, Russell Group, No Connections to Profession)

She attributed this lack of reaction in part due to the pre-existing cultural diversity within the firm and clientele, as well as the presence of another female who chose to wear *Hijab*.

A secondary concern was raised contrasting the Muslim woman's responsibility to be modest with the sexed and sexualised (Thornton, 1996; Collier, 1998) female professional body. As discussed, employers have traditionally assumed a substantial prerogative with respect to dress and appearance, imposing burdens on women that are different from men. These may include the requirement to wear skirts, makeup, or sexually alluring, figure hugging clothing (Bartlett, 1994: 2543) whilst at work or meeting with clients. For certain firms - particularly male dominated environments - the primary cultural capital of some female employees lies in their sexuality: to be 'pretty' or 'sexy' (Sommerlad and Sanderson 1998: 176) and sexually available. The impact on the recruitment of Muslim women was concerning to Dina:

'Who would [men] recruit? Dolly birds, maybe...I mean I know... laughingly I know this business partner, he's a practitioner in a big firm, and I had someone saying to me they were looking for a job interview, and he took...very quickly spoke to the other

candidates and took on this one woman because she had big breasts...then he went on to sleep with her. So that's nice, isn't it?

(Dina, 39, Partner, Crime, No Children, Post-1992, No Connections to Profession)

The sexualisation of women directly contravenes the ideals of *Hijab* – the act of dressing and behaving with modesty, in accordance to Islamic sexual practices. *Hijab* is to reveal little about the sexual and moral propriety of the wearer (Siraj, 2011: 726). The requirements of physical modesty (whether with a headscarf or without) may be at odds with this display of sexuality as cultural capital, potentially impacting the recruitment and promotional prospects of more demurely dressed female:

‘if you think about it...so if you're an Asian Muslim who covers herself up in terms of white blouse, hair tied back, less make up...-not going to give her a job when someone sitting next to her who's got her breasts flashing and sticking out...’

(Dina, 39, Partner, Crime, No Children, Post-1992, No Connections to Profession)

5.4.2. Visibility of Salat and the Suitability of Space

The act of prayer within the workplace has not yet been subjected to the same attention as the *Hijab* within the literature or political discourse, but revealed itself to be a substantial concern by the participants during the study alongside discussions of *Hijab*. The issue of Salat is starting to gain attention, particular within French and Belgian jurisdictions, invoking the religious ‘rights’ possessed by a Muslim individual under Article 9 of the ECHR – namely, the question of whether a company can legitimately deny a Muslim worker the opportunity to conduct prayer within their working hours (See Fadil, 2013: 730 in her study of Belgian Muslim women). Notwithstanding the legal battle to recognise prayer as an expression of Article 9 rights, the concerns expressed in the data can be both reflective of a need for continual negotiation between lawyer and firm (such as those seen in childcare arrangements

(Fadil, 2013: 740; See Chapter 4)), and as something much deeper surrounding the privatisation of her own religious identity and display of cultural capital.

Muslims are required through the mandatory pillars of their faith to perform *Salat* (or *namaz*): an obligatory ritual of 5 prayers spread throughout the day at specific times. Two of these prayers may fall during the average working day: the prayer at noon (*Zuhr*) and the prayer during the afternoon (*Asr*), which an observant Muslim may feel the need to follow. However, the way in which *Salat* is approached is variable, intrinsically entrenched in the individual's own faith and piety. Outside of doctrine, there is no unanimous approach. Some *Practiquant* Muslims see prayer as a necessary and core manifestation of their faith, others do not. As Fadil argues, the inscription of religious subjectivity into the structural secular temporality is a question of personal necessity (2013: 739-40). In other words, is the individual persuaded by the primacy of her religious commitment enough to disrupt the hegemonic firm culture?

Furthermore, practical concerns for Muslims who wish to pray during the working hours arise. These prayers may require not only time, but space, a relaxed environment, privacy and usage of suitable, clean facilities to perform ritual washing (*wudu*), action and audible recitations of the prayer:

'In my old firm there was nowhere to pray. If you wanted to pray, it became...not an issue, but you do feel a bit uncomfortable'

(Nosheen, 33, Partner, Property, No Children, Russell Group, No Connections to Profession)

Depending on the firm's structure, an individual who wishes to fulfil the requirement of her faith may not be able to keep this private, and instead may be obligated to inform the seniors in order to gain access to suitable space and time to pray. The participants had discussed the

ease in which this would be accommodated for in Muslim majority firms, where the role and nature of prayer in Islam is accepted and fully understood:

‘If I was working in an Asian firm... I would just be ‘I’m going to pop down for *namaz*, I’ll see you...gonna go pray’ and they’d be like, ‘yeah, yeah, see you in a bit’...’

(Sana, 22, LPC Student, No Children, Pre-1992, Connections to Other Professions)

‘I was at a Muslim firm, so I would just go off and pray...they did know about that, half of the partners knew about it...you’d just go off and do your own thing, then come back’

(Razia, 27, Early Career, Corporate-Immigration, No Children, Russell Group, No Connections to Profession)

For individuals working within Muslim majority firms, prayer can often be taken for granted. The individual’s own Muslim faith provides capital; an assimilation with the broad identity of her colleagues and superiors. Therefore, the individual isn’t uncomfortably visible amongst many. We may even presume the firm to provide adequate facilities on site to accommodate for their needs: it could be seen no less ordinary than a tea-break.

However, for those working in non-Muslim majority firms, the pressure to enquire about available time and/or space to pray may draw unwanted (and sometimes negative) attention to her. The accommodation and reaction to this practice may be volatile and different from firm to firm, with some firms (and staff) turning a ‘blind eye’ and making arrangements for their staff:

‘[They] were so nice about it! They said, ‘well, if you want to pray, you can pray. You can use the boardroom’...’

(Razia, 27, Early Career, Corporate-Immigration, No Children, Russell Group, No Connections to Profession)

Razia further explained:

‘The firm I’m in now, I’m praying, but we have a separate room so no-one knows that I actually do it...I remember when I was at a really good firm in the city, I said to my associate, ‘by the way I pray’, she said, ‘I don’t care if you snort cocaine...I really don’t care as long as your work is really good’ I think it’s...whereas some people have a problem with it because they think ‘oh, maybe you’re heading for extremism...’”

Despite its positive outcome for Razia, this reaction of the associate was suspect and dismissive. The comparison between a private act of prayer, and illicit drug taking provides an interesting insight into perceptions of prayer as comparable to social deviance. This is could be contrasted a more benign example, ‘I don’t care if you play Sudoku, as long as your work is really good...’.

Crucially however, upon asking for the space to pray she runs the risk of unwillingly communicating negative cultural capital or a display of dissonance with the firm’s culture (Wald, 2015). Worse still, she may potentially invite hostility and suspicion from colleagues. It is this unknown, and potentially antagonistic, reaction which resulted in a small number of participants feeling fearful about praying within the workplace, or about asking to pray due to being marked as ‘other’ or worse. Sana spoke of her fears for her future practice within a non-Muslim majority firm:

‘I often wondered erm, if I were to say, erm...you know, would it be okay if I prayed in one of the offices, or something, how that would go down...I’ve often wondered. Erm, and to be honest with you, I don’t know whether I would have the nerve to do it, or ask to...because I’d feel like all eyes were on me...’

(Sana, 22, LPC Student, No Children, Pre-1992, Connections to Other Professions)

'I do prioritise [prayers]...but sometimes I feel like if I said to someone in the office, they'd be like 'oh my god, that's just...that's just weird' or 'that's just extreme''

(Taibah, 24, Paralegal, Family, No Children, Post-1992, Connections to Other Professions)

For Halimah and Taibah, performing Salat on time during work hours produced a further logistical issue, highlighting the impracticality of performing wudu and the meditative rituals within the workspace. Participants had pointed to a lack of clean facilities within the firms, which made the prospect of performing the daily prayers much more challenging. Instead, they chose to adopting a more flexible approach in postponing prayers:

'I have difficulty praying. Yeah, I don't think they'd object to me praying, 'cause you can pray...but the thing is, I have trousers on...and I can't be bothered taking them off...so you can keep those prayers and do it in the evening, so I'll do it then, altogether...all those 3 prayers...but you are supposed to pray them on time....I don't think [the firm] would object. They would be quite open, it's just my practicalities and difficulties...I have difficulty taking my socks off and performing the wudu...'

(Halimah, 25, Trainee, Crime, No Children, Russell Group, No Connections to Profession)

'In our office, we don't have any facilities for reading prayer, and to be honest I haven't raised that with them [...] and I don't think there's anywhere quite...clean enough to do that...'

(Taibah, 24, Paralegal, Family, No Children, Post-1992, Connections to Other Professions)

Halimah discussed the more 'creative' approach of a friend, a fellow Muslim solicitor:

'My friend - she just prays in her car!'

(Halimah, 25, Trainee, Crime, No Children, Russell Group, No Connections to Profession)

In addition, Miriam discussed the visibility of her prayer requirements. Due to the lack of suitable facilities, she had resorted to praying in an office with transparent glass walls. Her visibility was thus highly (and literally) accentuated:

‘I don’t know what it was, but in my last job, when I was pregnant with [my son], I literally took all my kit to work, which is really rare for them to- I think they found it really bizarre seeing me do this...erm, and I’d pray. There was like a meeting room, and there was like a clear glass thing...so you could see who was in the meeting room...no-one ever said anything to me...I-I- I know they found it a bit sort of ‘whatever’ ...’

(Miriam, 34, Head of Department, Commercial, 1 Child, Russell Group, Immediate Connections to Legal Profession)

The Islamic doctrine of *darura* (necessity) does allow possibility of flexibility to delay prayer times in difficult circumstances or hostile environments (Fadil, 2013: 741), particularly when the facilities are not made easily available or minimal conditions such as a stress-free environment not met. Thus, for actors wishing to fulfil their prayer obligations, the possibility of ‘catching up’ with missed prayers at home is opened for them. Firmly privatising religious faith may make it easier to manage the public/ private dichotomy, whilst providing the added benefit of mitigating visible dissonance with the firm culture, foregoing any feelings of potential hostility discussed above.

Nonetheless, the compromise of ‘catch up’ prayers is not a risk free strategy. The 5 prayers must be caught up with in the individual's own private time, rather than being split across the day. This time must be allocated alongside all other commitments from both her professional and private spheres, including any family or childcare commitments she may

have. Interestingly, whilst discussing their 'catching up' strategies, it should be noted that both Halimah and Taibah were not mothers themselves, and did not have direct caring responsibilities within their home lives. Miriam, as a mother of a young son, had adopted a similar strategy but had found it a much more challenging and stressful experience (as highlighted below).

Furthermore, it could be argued that the additional faith requirements of Salat, when not adequately catered for contributes to the continuing overburdening of minority individuals within the profession (Wald, 2015; 2016; Wilkins, 1995), expecting *practiquant* Muslims to negotiate extra duties into her work/ home life. The difficulties associated with Salat both add an unwelcome distraction within the workplace, and consumes time within her home life: time which could be used by her non-Muslim counterparts to relax and recuperate (Wald, 2015: 2532-3).

For other Muslim woman, the compromising of her prayer times within work life can be actively damaging for her own mental health and emotional wellbeing. This is particularly pertinent if an individual views her Salat as not only a display of piety, but as an essential component of their faith, and an integral part of her connection with the divine.

This is not to suggest that firms should provide specialised prayer rooms for a small minority of Muslim adherents who may work at the firm (to match their frequent presence at Law Schools and Universities), and the arrangement of waiting till one gets home is a perfectly acceptable compromise for some. However, the lack of suitable facilities makes the fulfilment of religious requirements much more difficult, and shifts the duty of requesting space and time to observe this practice to the individual. This in turn, may perpetuate a fear of raising this issue (whether this fear is realised or not), and may result in the individual choosing to omit the afternoon prayers altogether. Such an omission may result in intense feelings of guilt and shame, or in being forced to catch up on the daily prayers in the individual's own time -

time which is already balanced between her family commitments and personal duties - which may prove stressful for some.

5.4.3. It's Not Safe to Talk About Your Religion: The Silencing of Muslim

Women

The active management of Muslim identity extended beyond religious practice, affecting their willingness to speak openly about their religion within the workplace. The shift in public representation and powerful stigmatizing forces (Brubaker, 2012: 3) had resulted in the frequent adoption of 'silencing strategies' by participants. Religious discussions with colleagues were approached with extreme caution, for fear of speaking about their religion 'too much'. Taibah confessed that she did not 'feel safe' speaking about her religion to others, risking misunderstanding and alienation from her colleagues:

'Obviously people who go on about religion...someone is going to turn around and say 'oh my god, she's an extremist!', and it could lead to another thing...it could lead to someone arresting me for terrorism, that sort of thing!'

(Taibah, 24, Paralegal, Family, No Children, Post-1992, Connections to Other Professions)

This was not a light hearted joke; there was a genuine fear expressed by more than one interviewee that small actions or words had the potential to escalate rapidly when discussing religion. Taibah continued to highlight the often scathing remarks that would be made about Islam in her presence:

'I keep my religion to myself...sometimes I think to myself 'it's not safe to talk about your religion and your views...and maybe I should just keep that to myself'...it's like...people at my firm say, 'oh well, we don't agree with your religion, we don't even believe there is a god, so why do you do this? Why do you do that?' type... 'we don't

believe in mosques' – that sort of thing...I just think, 'okay, that's your personal view, but please don't target Islam or Imams'...and I have turned around and said 'do you know what, can you not pin point it? Fair enough if you don't believe in God...but that also means you don't believe in God in Christianity and Hinduism, so can you not pinpoint it to Islam?'

Like other participants during the study, Taibah expressed her belief that both Islam and Muslims were frequently subjected to increased scrutiny by her work colleagues, unfairly targeted for criticism. However, silence used as a self-protective mechanism has an unwelcome consequence of muting vibrant conversation surrounding the multiplicity of Muslim belief, including liberal, secular and feminist voices (Afshar, 2013: 9).

There was a sense amongst the later participants, who had been interviewed shortly after the murder of Lee Rigby in May 2013, that the anti-Islamic feeling within society as a whole had sharply increased, fuelling greater numbers of Islamophobic attacks (Taylor and Siddique, 2013). With tensions running high, participants had described the feelings of dread and anger as they had to mentally prepare themselves to return to work:

'I knew when I went in on Friday morning there was going to be talk about it, and I'm not at a Muslim firm anymore...erm, so I knew there was going to be talk that 'oh, awful, awful...' and 'Islam does this and that...' and you know, these are intelligent people that are coming up with these theories, so you know, you kind of have to not flip, and explain to them, 'well, do you see me go around targeting people? No. And actually, you know, we hate them for it, because they make things difficult for us. I shouldn't have to justify my faith to you.'

(Razia, 27, Early Career, Corporate-Immigration, No Children, Russell Group, No Connections to Profession)

These attacks had intensified the focus on Muslims working with the profession, and placed an onus on the individuals to explain and justify their faith, in an exhaustive effort to revalorise what has been effectively devalorised by their colleagues (Brubaker, 2012: 3).

Taibah had similarly spoken of her shock at the presence of racist and Islamophobic remarks on social media:

'I went to work the next day, and the receptionist is a very good friend of mine, and she'd told me how there'd been an uproar on Facebook- certain people within our solicitors' firm had made certain comments about Islam [...] They wouldn't say it to my face, but apparently there had been a lot of racist remarks on Facebook about the shootings'

(Taibah, 24, Paralegal, Family, No Children, Post-1992, Connections to Other Professions)

Taibah was not the intended recipient of these covert remarks made on social media, yet such hostility can have a direct effect on a member of the targeted group. Awan and Zempi found links between online anti-Muslim sentiments and the convergence of emotional distress, anxiety and depression in the lives of Muslims affected (2015: 5). Heard through 'hearsay', and not recounted verbally within the physical space of the firm, the indirect nature of these discriminatory comments makes it increasingly difficult to seek recourse.

To be identified as Muslim, whether 'cultural' or 'practicing', within the profession brings with it the substantial burden of a visibility in belonging to a heavily stigmatised religion. Muslim women are subjected to increased scrutiny and frequent hostility from colleagues and clients, who are influenced by the changing discourse surrounding Islam within wider society.

5.5. When the Negotiations Fail: Internalised Shame and Psychological Distress

In their Canadian-based research, Hagan and Kay (2007) highlighted the heightened feelings of depression, stress and despondency among women lawyers as a consequence of the gendered hostility within the profession⁶. I argue that Muslim women are potentially at an increased risk of encountering psychological distress due to the continual task of Muslim identity management, intersecting with general and gendered pressures.

Religious negotiations are highly subjective and deeply personal experiences, manifest through the participant's interpretation of religious dogmas and values. As the participants' began to draw upon their lived experiences performing Muslimness within professional spaces, their narratives revealed inner discourses surrounding shame and psychological distress. Literature within Psychology has long identified relationships between religion and mental health (Ano and Vasconcelles, 2005; Pargament et. al., 1998; Albertsen et al., 2006; Park, 2006) particularly within the management of stressful situations.

Capital transactions can, in fact, inflict significant harm upon the individual (Wald, 2015). This research found potential correlations between the process of conflict negotiation, and emergent feelings of internalised shame and guilt. In exchange for cultural capital, individuals suffer negative social and cultural capital as a result, such as low self-esteem, self-dejection, and even difficulties amongst family and friends (Wald, 2015: 2529; Costello, 2005).

In discussing her willingness to participate in a firm led social event, Nosheen admitted:

⁶ Similar research in Australia has detailed the high levels of psychological distress among lawyers more generally; a result of overpressure, competition, time and emotional demands (Bergin and Jimmieson, 2013; Tani and Vines, 2009)

'I feel bad in being there, because Islam doesn't promote alcoholism in anyway, as you know...so I felt I was doing wrong'

(Nosheen, 33, Partner, Property, No Children, Russell Group, No Connections to Profession)

The guilt that Nosheen felt that she 'was doing wrong' implies determinism: a self-awareness that she both should and could have acted differently within that particular context (Faiver, et. al. 2000: 154), even if she logically felt that this was not true.

The pangs of contextual guilt can be distressing, however, when the challenge of hiding the Islamic self become too great, this may manifest into powerful feelings of shame. This was best highlighted by the narratives of Miriam. As a successful city lawyer on the brink of partnership, she understood that her success was predicated on a form of capital exchange (Wald, 2015), having bartered integral aspects of her Islamic identity for valuable social and cultural capital. Finding it increasingly difficult to uphold her polished professional image, she spoke of arduous internal 'battles' in reconciling her inner faith ('I just feel like there is a constant battle, internally and externally'). This resulted in her creating elaborate plans to discreetly practice her faith without eliciting the attention of her colleagues:

'I get alerts on my phone when it's time to pray, and the alerts come, and I just look at them and think, 'I wish I could pray...I really wish I could pray' but I don't feel like I can...it was just one week I just thought, it was awful and I thought, 'they all go out for a sandwich, and I'll just pray' and I thought 'why am I so ashamed?'. It's really awful.'

(Miriam, 34, Head of Department, Commercial, 1 Child, Russell Group, Immediate Connections to Legal Profession)

Through her interview, Miriam repeatedly recalled the daily anguish she passively watches the prayer times pass without giving thanks to God:

‘I feel that everything I’ve done in my life, including as far as I’ve got in my career, is down to my creator, and all...and I have to give thanks for that, I have to acknowledge that, and I’m ashamed that I can’t do that.’

For Miriam, her professional success was paradoxically God-given and self-made, constructed upon an idealised reflection of her ‘true’ Islamic self. She is subsequently burdened with an intense moral obligation to acknowledge the hand of her creator which her professional self is unable to fulfil. The resultant pain is self-imposed, emergent from personal accountability and self-criticism, and tinged with the fear of divine retribution. Indeed, research has confirmed that religious shame takes a psychological toll on the individual, and has been connected to major mental health issues including stress, anxiety and depression (Park, 2016: 354).

5.6. Conclusion

This chapter sought to explore how Muslim women lawyers ‘live out’ their religious selves within the professional space. I began the chapter with an acknowledgement of the Muslim woman’s embodied intersectionality, individually situated across the matrices of domination (Collins, 2004). This framework of intersectionality, alongside the contextual gendered Islamophobia are tools which enable a greater understanding of how religious identity is subjectively experienced and performed within the legal profession (see Mirza, 2013: 13).

Through the specific examples of socialising/ networking practices, religious dress and prayer, the participants’ narratives give a valuable insight into how ‘Muslimness’ is effectively performed alongside the profession’s hegemonic white masculine ‘normality’. For Muslim women, their attempts to ‘fit in’ were dominated by continual negotiations between their profession’s cultural obligations and the constraints their ethno-religious identities bestow upon them (Fletcher and Spracklen, 2014). The participants frequently found themselves in a

state of internalised conflict, as they seek to reconcile professional normality with their subjective religious boundaries. Conflicts arose from difficult choices between managing their faith practices and seeking inclusion (and subsequent progression) within the firm. The individuals drew upon their own agency, as they sought to control their display of Muslimness, and a plethora of coping strategies in their attempts to enjoy the 'best of both worlds' (Hall, 1995).

There were signals that the wider socio-political hostility towards Islam had found its way into firm culture, making it increasingly risky to be visibly seen or heard as Muslims. As Buitelaar suggests, against the essentialised image of 'the Muslim', Muslim women are subsequently left with few generally accepted narratives in which they can communicate their complex, multifaceted identities (2006: 260) within legal practice.

Finally, I highlighted the discursive theme of shame and psychological distress. The management of the Muslim self for participants proved a stressful experience, which deeply affected their sense of mental and emotional wellbeing.

The next chapter focuses on how Muslim women are negotiating professional and wider societal change. It examines the construction of 'community', and its facilitation in wider structural change. It details the uncertainties working in a post-professional environment, and examines the professional exit strategies of Muslim women.

Chapter 6. Negotiating Change: Community Resource, Entrepreneurship and Uncertainty within the Post-Professional Landscape

6.1. Introduction

Chapter 2 relayed the question posed by Brockman as to whether Muslim women were ‘fitting in or altering the legal mould’ (2008: 77). This work, so far, has explored the narratives of Muslim women as they seek facilitate inclusion into a profession that has traditionally sought to exclude them (Witz, 1992; Larson, 1977), identifying structural barriers to their effective assimilation and progression. However, Muslim identity, community and professionalism are not fixed constructions, but ‘liquid’ structures (Bauman, 2000: 2), susceptible to change over time. In accordance with the central research questions, this chapter explores the extent to which Muslim women are actively ameliorating professional structure as a direct challenge to the profession’s cultural hegemony, focusing on the predominant themes of community, entrepreneurship, uncertainty and exits.

In the first instance, this chapter examines the concept of ‘community’, formed by kith and kin. I assess the positive contribution of Muslim women solicitors in community mobility, whilst demonstrating how community networks are able to provide valuable non-economic resources to be deployed as mobilisable social capital (Dwyer, 1999; Anthias, 2007; Anthias and Cederberg, 2009; Bourdieu, 1986). I identify 3 main examples of this: role modelling, the provision of psychosocial and motivational support, and future access to work experience.

Drawing on the work of Bhachu (1993) and Battilana (2006), this chapter subsequently seeks to redefine Muslim women as agentic cultural and institutional entrepreneurs. I explore this group's capacity to actively (re)negotiate their community spaces and culturally gendered

practices. Moreover, I demonstrate how Muslim women solicitors are reflexively using their status to advance Muslim professional mobility, whilst contributing to the dismantling of prevalent anti-Muslim stereotypes.

Finally, this chapter examines 'uncertainty' within the post-professional landscape. I consider the changes that the LSA 2007 and LASPO 2012 wrought, before examining their impact on the working lives of Muslim women. The chapter concludes with a discussion of the regulatory changes' contribution to the relocation, and prospective withdrawal, of Muslim women away from the profession.

6.2 'Community': Cultural Entrepreneurship and Mobilising Social Capital

Previous chapters have detailed the narratives of Muslim women as they grapple with their own mobility projects; the question remains whether these struggles are able to have a wider impact. As Zhou argues, ethnicity cannot be viewed as either a structural or a cultural measure; rather 'it encompasses values and behavioural patterns that are constantly interacting with both internal and external structural exigencies' (2005: 131-2). I argue that, in spite of the recurrence of structural inequalities which Muslim women continue to face, we must acknowledge the intersection of community and structure, and the abilities of Muslim women solicitors to enact meaningful change. Through sustained social interaction, I suggest these women are able to use their ethno-cultural ties to bestow valuable resources on their community to facilitate change (see Evergeti and Zontini, 2006: 1026) at both community and professional levels.

Reflecting back on Bourdieu's work on social capital at this point is helpful: strongly linked to cultural capital, social capital describes the methods by which individuals are able to use their network memberships to procure personal advantage. As discussed in chapter 2, the

Bourdieuian framework of capitals makes links with wider social structures and the preservation of power. However, as Modood points out, Bourdieu readily assumes cultural homogeneity amongst socio-economic classes, and provides little information about ethnicity as a source of capital (2004: 97).

By contrast, Anthias recognises the differential usages of ethno-cultural and kinship ties to confer social capital, to be effectively mobilised by group members in pursuing future rewards (see Anthias, 2007: 788; Coleman, 1990; Modood, 2004), including professional success and economic resources. Building upon Bourdieu, Robert Putnam describes social capital as the 'features of social life - networks, norms and trusts - that enable participants to act together more efficiently to pursue shared objectives' (et al., 1994: 2). Putnam sketches the capacity for social capital to be 'bonding' or 'bridging'; bonding is inward focussed, providing the 'sociological superglue' which reinforces community bonds and identity. Conversely, bridging is an outward generator of reciprocity between differentiated social groups - what Putnam calls the 'sociological WD-40' (2000: 223). Social capital can therefore be enabling; it possesses the potential to create trust and solidaristic relationships within the ethnic boundary, as long as it can be utilised to procure tangible social advantage (Anthias and Cederberg, 2009: 903; Anthias, 2007: 788-9, Putnam, 2000).

The role of social capital as the currency for entry negotiations and career development (see chapters 4 and 5) means that it is difficult to understate the significance of developmental relationships and kinship support for traditionally marginalised groups (Ashong-Lampsey, 2015: 2369). By exploring the relationship between kinship and community networks and social (and subsequent cultural/ aspirational) capital present within Muslim groups, these discussions follow how these bridging dynamics may compensate for structural forms of racial, classed, gendered and religious disadvantage (Anthias and Cederberg, 2009: 901).

6.2.1 Role Modelling

In attempting to navigate the social and professional barriers to full participation, the availability of positive role models is arguably critical to a Muslim woman's successful negotiation of these contexts. It is useful to engage with social learning theory to further understand the potential value of role models within marginalised communities. Social learning theory explains human behaviour as a 'continuous reciprocal interaction among cognitive, behavioural, and environmental determinants' (Latham and Saari, 1979: 239). As Bandura states:

People are neither driven by inner forces nor buffeted by environmental stimuli. Rather, psychological functioning is explained in terms of a continuous reciprocal interaction of personal and environmental determinants. (1977: 11)

In addition to direct experience, behaviour can be learned through observation, acquiring new information on how behaviours are developed within given contexts (1977: 22). This knowledge effectively equips the observer with the ability to thoughtfully analyse conscious experience, and to engage with reflexive, prudent action (Latham and Saari, 1979: 240; Lockwood et al., 2002: 854). The impact of modelling is often particularly pertinent in the lives of raced/ ethnicised subjects who, due to their shared history of exclusion and discrimination, may actively 'seek out' models who share the same ethnic background (Karunanayake and Nauta, 2004: 225; Bigler et al., 2003). Positive community-based mentorships can provide youth members with differentiated degrees of support, including career motivation and inspiration (Higgins and Kram, 2001: 264; Singh et al., 2006: 2), as well as opportunities for further capital development.

As a preliminary, it is interesting to note the perceived status afforded to lawyers within the participants' respective communities:

'The community sort of look up to you...and I think that's impacted a lot on families and what they want their kids to go into...'

(Sophia, 28, Trainee, Crime, No Children, Post-1992, Connections to Other Professions)

'People do say 'oh, such-and-such's daughter is a lawyer!' But I try not to let that get to me, because I feel that's a bit...it's boasting about yourself and I don't like that.'

(Nosheen, 33, Partner, Property, No Children, Russell Group, No Connections to Profession)

The discourses of modelling within the data transcended field location. Participants constructed a homogenised ideal of a 'lawyer' within a unified profession. Professional membership appeared to automatically afford a large degree of status, shaping the subsequent career aspirations of younger Muslims (Basit, 1996; Mirza, 1992; Hussain and Bagguley, 2007):

'I kind of got it into my head that when I grow up, I need a good job...so you think either doctor or lawyer...and I don't like blood! (laughs)'

(Sarah, 26, Early Career, Personal Injury, No Children, Pre-1992, Connections to Other Professions)

'I did originally want to be a doctor...'

(Sana, 22, LPC Student, No Children, Pre-1992, Connections to Other Professions)

Aspirations for a 'good job' narrowed down to two professional destinations, seen as traditional and prestigious aspirations (Mirza, 1992: 133; Hussain and Bagguley, 2007: 66-67). Their potential as modelling agents was not contingent upon their association with the elite sectors of the profession.

David Wilkins (1993) further indicates the existence of a potential racial duty amongst US Black Corporate lawyers. He argues the current generation of Black lawyers are direct beneficiaries of the actions taken by prior generations of Blacks. Following this logic, the inequalities faced by Black communities are contingent upon the willingness of the new Black middle class to contribute to their struggle; this is what he terms the 'obligation thesis'. Outside the context of US's differentiated professional and racial structures, I argue that Wilkins' observation provides explanatory value for the moral 'pull' to assist which was felt by some of the study's participants. For example, in exploring upon her willingness to help the younger generation, Razia reflected upon her own difficult journey into the profession:

'I am so willing for other people, because I know it has been very hard for me...I think my attitude as a solicitor has been subconsciously breaking those barriers'

(Razia, 27, Early Career, Corporate-Immigration, No Children, Russell Group, No Connections to Profession)

For Razia, the recognition of her struggle as a Muslim women fuelled the desire to supply a 'helping hand' to others within her community. By recognising their positions as role models, participants saw an opportunity to 'refill' the social 'link' to the profession which was missing for themselves. This idea of '(re)filling' this gap was a recurrent theme within the data.

Similarly, Sophia stressed the importance of kinship ties in mobilising the younger generation of Muslim women:

'I've got younger cousins who are wanting to go to college, and wanting to go to university, and I've got nieces who say, 'ooh, we want to do what Aunty Sophia does...I want to be a solicitor. You look at them and think 'that's cool...the job that they're doing and stuff'...like my niece, she loves the fact that I deal with criminals, and go to

police stations, and give shit to police officers. She's like 'I wanna do what Aunty does!' I suppose that helps...'

(Sophia, 28, Trainee, Crime, No Children, Post-1992, Connections to Other Professions)

The perceived glamour of 'dealing with criminals' and 'giving shit to police officers' as part of a daily routine is not far removed from the televised images of criminal lawyering Sophia herself grew up with. There is, of course, an important distinction to be made between idolising on-screen 'legal eagles' and a close family member; the lawyer leading the exciting life is not a fictional television character, but a real-life aunty. It is attainable precisely because Aunty has done it; the aunt who shares the same sex, ethnic and religious characteristics. If she can do it, perhaps we can too. The dream is observed in reality, which can actively encourage interest in the profession, or higher education, where it may not have originally been considered.

6.2.2 Sources of Psychosocial and Motivational Support

Participants definitively spoke about being available as important sources of psychosocial and educational support for younger Muslim girls. Their social prestige as lawyers affords them visibility as readily accessible sources of help, advice and guidance for other community members. This was observed by Sophia:

'I think [that's] impacted a lot of families and what they want their kids to go into'

(Sophia, 28, Trainee, Crime, No Children, Post-1992, Connections to Other Professions)

Furthermore, their visibility has the potential to indirectly encourage parents in considering the future directions of their daughters. This aspirational capital has been observed in both middle class families, who naturally wish to preserve the status quo (Schleef, 2006), and working class families who strive to enhance the progression opportunities available to their children. This may manifest itself through directing young Muslim women to seek advice from lawyers within the extended community (Basit, 2012: 139-140). Nosheen

discussed her experience of being directly approached by community members to provide support to their daughters:

‘Sometimes, I found- I think within our little community circle, you sometimes get at a gathering...you might get someone who wants a bit of inspiration for their daughter. So I have been asked on a few occasions, ‘can you have a chat with my daughter?’ Yeah, and I feel honoured that they’ve asked me, and I feel honoured that they feel I can help that child.’

(Nosheen, 33, Partner, Property, No Children, Russell Group, No Connections to Profession)

Nosheen’s response reflects the notions of tight-knit connections, or communal solidarity prevalent within migrant communities, which Zontini identifies as ‘caring about’ work⁷ (2010: 821). The subsequent development of inter-community relationships could be seen as significant as a ready source of career development advice, pastoral care and motivation which may have previously been missing or lacking:

‘I’ll have a chat with them and I’ll tell them what I did and what it can do for them, and if they’re not concentrating at school they should be concentrating at school, because look, I’m just like you...okay, I’m a bit more affluent’

Furthermore, Hussain and Bagguley identify social capital as a *profoundly gendered* phenomenon. Whilst useful, ethnic social capital alone is insufficient: fellow female contact is extremely important in the lives of young minority women (2007: 34). Through emphasis of the shared ethnic/ religious and gendered similarities (‘I’m just like you’), Nosheen is able to emphasise her solidarity with a fellow Muslim female. Research into social capital has

⁷ Interestingly, in Zontini’s study of ethnic social capital amongst Italian migrant communities, the ‘caring about’ work within communities was *distinctively gendered*, and mainly undertaken by females. This potentially raises questions regarding a possible gendered divide in reference to Muslim professionals’ community work.

highlighted the effectiveness of ethnic/ religious and gendered similarities in procuring higher levels of trust than present in cross-ethnic bonds, consequently resulting in greater levels of encouragement, and the development of strong social networks (Light, 1984: 199; Gaddis, 2012: 1240; Coleman, 1988). In her research of US-Chinese diaspora, Min Zhou also identifies how these co-ethnic social ties are able to cross class divides. Despite heterogeneity in socio-economic status, ethnic bonds are able to reinforce their respective commonalities, facilitating the flow of information regarding mobility opportunities and strategies (2005: 148); effectively broadening the 'horizons of possibility' for working class co-ethnics (Shah, et al. 2010: 1117).

As previous research has demonstrated, young minority ethnic women frequently feel they receive insufficient career advice at school (Basit, 2012: 137). These groups often report that the advice given is not comparable to that supplied to their non-BME counterparts, and is often steeped in prejudice/ preconceptions about their ethnic/ cultural backgrounds (Basit, 1996; Mirza, 1992). Those with an interest in pursuing careers within the 'traditional professions', such as law and medicine, found encouragement and information from their schools insufficient; as a result, they increasingly find themselves insufficiently advised in their career decision making (Mirza, 1992: 133; Basit, 2012). This was exemplified by Sana, who felt significantly disillusioned by the explicitly negative comments from the careers service within her first week at law school:

'I spoke to one of the careers ladies...erm, and she just told me 'yeah, it's going to be very difficult for you.'...she actually said these words, she said 'if you're not white, if you're not from a certain class, then you're gonna have a very difficult time [sic]'. She was the adviser and she was saying that!'

(Sana, 22, LPC Student, No Children, Pre-1992, Connections to Other Professions)

Without any advice to overcome these difficulties, Sana thus felt the need to actively seek out a fellow Muslim woman solicitor to speak to:

‘It was just really interesting to see it from her perspective...she will have known, because she’s been on the receiving end of a lot of it...I actively sought her out because I wanted to see how she overcame those hurdles and everything’

Consequently, these women were filling a ‘support gap’ which has been long absent for young BME women. The connections built with Muslim women lawyers provides a significant source of aspirational capital (Yosso, 2005: 77): opportunity to discuss career strategies and coping mechanisms with an empathetic agent who shares a similar cultural background, and exposed to similar socio-political pressures.

6.2.3 Future Access to Work Experience

Kinship and community social networks naturally carry the potential for future work experience: providing a valuable opportunity to convert social capital into expendable cultural capital. The importance of work experience in professional access, and its significance in developing marketable capital have been discussed in chapter 4. Francis reminds us about the utility of personal and kinship connections to the profession, which increases the likelihood of securing early work experience two-fold (Francis, 2011: 49). This was emphasised as a possibility by Sophia when discussing the futures of her nieces:

‘I have 4 nieces...I know loads of people in my social circle, and I want my nieces to have it easier than I did’

(Sophia, 28, Trainee, Crime, No Children, Post-1992, Connections to Other Professions)

Indicating the niece would directly benefit from the social networks Sophia had accumulated over the years. This was similarly discussed by Razia:

‘It’s more having access to something, and I think that’s really important, because if you have access to something it’s more reachable...had you had someone in your family who was a solicitor- I never had anyone in my family who was a solicitor, but

had you had someone like that, you would actually think ‘maybe I could work in their firm. Maybe I could get some work experience.’”

(Razia, 27, Early Career, Corporate-Immigration, No Children, Russell Group, No Connections to Profession)

Razia further relayed her experience of being approached by numerous friends, eager to secure work experience on behalf of their children:

‘I have found many of my friends say ‘oh, my daughter wants to do work experience’, and I’m like ‘yeah, go ahead!’. I’m happy to do it.’

Her breezy willingness, in practice, translates into a powerful factor in the individual’s success. Emphasised in chapter 4, work experience provides space for early socialisation, and exposure to the professional behaviours, norms and values which can be later deployed as marketable cultural capital. This is particularly valued in light of the current economic climate. With limited training contracts available for law graduates in conjunction with the structural barriers facing Muslim women on the grounds of their ethnic and religious identities, accessibility of early work experience is a significant resource for Muslim women to draw upon.

6.2.4 Reconstructing Cultural and Family Values

Muslim women may also play a role in more immediate processes of cultural entrepreneurship, which infiltrates the very heart of family life. The cultural is mouldable: able to be changed, blended and reinterpreted with regards to the past and present (Nagel, 1994: 162). Far removed from the construction of the Muslim female as the ‘passive’, Muslim women are significant agents in the (re)construction and (re)affirmation of cultural and ethnic norms in response to changing externalities (Bhachu, 1991; 1993). In response to the question ‘what do you think is positive about being a Muslim woman in today’s legal profession?’, Sarah

referenced her desire to drastically reshape culturally gendered expectations within her own family:

‘Positive? Positive is something I would pass down to my kids (sic)...I’m gonna get my kids out of this crappy routine, even though it will drive my Mother-in-Law up the wall that her precious grandchildren are doing the housework. If I’ve got a son or a daughter- boy especially- I’m gonna make him work! We need to get out of this routine, the boys have been spoiled for far too long.’

(Sarah, 26, Early Career, Personal Injury, No Children, Pre-1992, Connections to Other Professions)

Sarah provided further examples regarding her renegotiation of culturally constructed ‘masculine’ and ‘feminine’ roles, leading to structural changes in kinship organisation becoming increasingly bilateral rather than patrilineal (Bhachu, 1991):

‘I mean like my husband...it’s taken me a long time, but I make sure he picks up the bloody Hoover- and I make sure he does the dishes, because I won’t do these things’

Her status as a working professional arguably gives her power and leverage within her family unit. Her own experiences play a significant role in consciously readdressing gendered divisions within her household, colouring a remarkably different cultural landscape for her future sons and daughters.

Listening to their voices, I argue there is a need to recognise the valuable contributions Muslim women make as role models within their respective communities. Capitals acquired through community and family bonds provide significant assets to young Muslim women, which can facilitate the transition into professional life and professional mobility (Basit, 2012). As small as it may appear, the widening of this gateway indicates a sizable potential for a group historically excluded. With increasing numbers of ethnic minority lawyers entering into

the profession, we can tentatively begin to speculate on the future impacts upon wider community mobility, where youth members are more likely than ever before to encounter sources of inspiration, and a potential line of access where it has been previously denied. Recalling Schleef's study of 'elite' law students within the US, as aspirations are raised the possible becomes reconstructed, theoretically allowing for the more natural flow of individual agency (2006: 20) and occupational aspiration. More importantly, Muslim women engage to provide the missing support, advice and pastoral care which allow young Muslim women to make higher and broader choices with regard to their career aspirations (Basit, 2012: 140).

However, caution is needed before drawing any broad conclusions concerning structural change. The rise in marketable capital afforded through social and kinship networks does little to substantially ameliorate barriers faced by Muslim women who start from a position of socio-economic disadvantage. Intersectionality must be taken back into account. As Shah et al. suggest, gendered and religious identities together with societal ethno-religious disadvantage can all influence the level of social and ethnic capital that is actualised (2010: 1123), which are important in considering an individual's position.

Moreover, as statistics suggest, it has been more than 30 years since women and ethnic minority lawyers began to enter the legal profession in significant numbers. When the diversification of the profession began, it was assumed that women and ethnic minorities would naturally progress on their own merits (Sommerlad, et al., 2010: 11; Thornton and Bagust, 2007: 774). Unfortunately, the profession remains stratified upon gendered and racial grounds (Law Society Annual Statistics Report, 2016). The 'trickle up' hypothesis remains fundamentally flawed, failing to account for multiple opportunistic differences and structural inequalities facing Muslim women within British society. Muslim women remain affected by the adverse social and political climate in which they are situated; arguably, Muslims are exposed to the risks of stigma, stereotyping and othering on a much deeper level than other

female groups. The continued uneven playing ground means these groups are less likely to achieve their collective usurpationary goals (Witz, 1992) into the elite and higher echelons of the profession.

6.3 Institutional Entrepreneurship

6.3.1 'Top-Down' Professional Reformation Strategies

Having explored the positive effects of community and kinship networks in facilitating entry, this section focuses on the impetus of Muslim women to act as entrepreneurs, reforming structures from within the profession. As explored in chapters 4 and 5, Muslim women continue to experience structural restraints in their career progression; the complex intersection of religious, cultural and gendered obligations, particularly with regard to family and childcare, made progression arguably more difficult for Muslim women than for their white counterparts. Thus, while white women find themselves 'knocking their heads against the glass ceiling', Muslim women are having trouble removing themselves from the 'sticky floor' (Gordon, 2003: 1268).

Tomlinson et al.'s (2013) research into women and BME lawyers indicated any reform strategies would be most effective after many years of successful legal practice. The relative positionality of the lawyer is critical: their social position and past experience will determine how they behave to bring about change (Bourdieu, 2006; Battilana and D'Aunno, 2009). Battilana suggests a link between the actor's own experience of past structural inequalities, and their subsequent desire to change (2006: 661). Muslim women are therefore able to draw upon their own experiences within the profession, in order to reflect and strategise for transformative change (Tomlinson et al., 2013: 261).

This desire alone is insufficient; rather, their capacity to procure change is contingent upon the status of the individual themselves. The individual must have achieved a level of

seniority to access the requisite resources (Battilana, 2006: 662). In other words, the higher a Muslim woman is in her firm's hierarchy, the more she is able to do for her fellow group. An individual who has successfully progressed to partnership is in greater position of power, and influence, over the firm's recruitment and progressionary mechanisms.

This issue was discussed by two higher level Muslim lawyers: Miriam and Dina. Reflecting upon their own struggles as Muslim women, they both expressed an explicit desire to depart from the professional status quo:

'If I was given a chance- for example, if I ever became partner in this firm, which is quite probably, I would not seek to not hire someone from a Muslim background. I would probably be more likely to. But it needs to be someone who is in those higher positions where people are hiring and firing, and have the ability to make that change. Where there is going to be a white, Christian male...it's not going to happen. Not with all the media prejudice and all of that'

(Miriam, 34, Head of Department, Commercial, 1 Child, Russell Group, Immediate Connections to Legal Profession)

Similar to participants in Tomlinson et al.'s study, Miriam had demonstrated a high level of reflexive and projective agency (2013: 261), as she reflected upon her own experience of professional discrimination and societal prejudice as a Muslim woman. After failing to receive sufficient support from existing support platforms such as the Association of Women Solicitors, and the Association of Asian Women Lawyers, Miriam subsequently spoke of her desire to set up a new support network, aiming to actively assist fellow Muslim women solicitors:

'I do find [the networks] quite inaccessible. Like, you'd send an email out to the great world and you get nothing back...so you wonder, 'who's chairing all these

organisations, and what on earth is going on?’ I mean, I have thought about setting up my own female Muslim lawyers association, but only having lawyers and females in the group who are ‘forward’. You know, ‘on the ball’ a bit, and who are not just becoming members for the sake of it’

By the same token, Dina reflected on her positive position as equity partner, and her potential power to reform recruitment and progression practices:

‘You can’t change anything unless you’re in it. That’s the point, isn’t it? I’m my profession, and we’ve got 3 offices...I mean, imagine if this firm had 3 men as partners- imagine if there was 3 men recruiting, who would they recruit? If they were recruiting women...white women? Probably.’

(Dina, 39, Partner, Crime, No Children, Post-1992, No Connections to Profession)

Dina subsequently assisted in the recruitment of at least 2 Muslim women trainees within her firm.

6.3.2 Breaking Stereotypes: Intergroup Contact within the Profession

Moreover, participants suggested their visible presence as Muslim women may actively assist in the alleviation of prejudice and outgroup anxiety with the profession. The presence of Muslims within a multicultural state has raised concerns surrounding ethnic ‘segregation’ (see Chapter 1); different ethnic groups often finding limited opportunities to intermingle within everyday life. The role of interethnic contact becomes critical in light of the negative perceptions of the Muslim population within British society, as the cumulative effects of Islamophobia continue to permeate the lives of Muslim professionals across the UK (Taylor and Siddique, 2013). Patterns of in-group preference are a core feature of social identity theory (Tajfel and Turner, 1979), which is particularly pervasive in the context of ethnicity. Its

resultant effects are cyclical: reduced contact and increased prejudice appear to be two faces of the same coin (Pagotto et al., 2009: 318).

The 'contact hypothesis' proposed by Allport (1954) suggested that meaningful contact with an 'outgroup' can lessen prejudice and intergroup bias. Allport argues intergroup prejudice reduction is 'optimal' when four conditions are met: equal status, the existence of common goals, intergroup cooperation and available support from the relevant institutions. Whilst Allport acknowledges intergroup relations can theoretically be strengthened or weakened through casual contact (1954: 252), integration through meaningful extended contact proved most effective in facilitating positive behavioural outcomes (Pettigrew, 1969; Hamberger and Hewstone, 1997; Pettigrew and Troppe, 2004). Following Pettigrew (1998), I argue that the legal firm's space provides ample opportunity for meaningful interactions and collective cooperation, actively weakening firm prejudice and anti-Muslim anxieties.

Numerous studies have since confirmed Allport's contact hypothesis, demonstrating that sustained intergroup contact with an outsider group can procure a change in attitudes or evaluations of the group and its members (e.g. Brown and Hewstone, 2005: 267; Tam et al., 2009). This was supported in Tam et al.'s (2009) exploration of intergroup contact between Protestant and Catholic groups in Northern Ireland. Hutchison and Rosenthal similarly highlight how sustained 'high quality' contact between Muslims and non-Muslims is associated with more a positive attitude and behaviours towards Muslims, shaping perceptions of Muslims as distinctive individuals, rather than homogeneous entities (2009: 55).

Participants in this study displayed a level of optimism that their firm presence could foster an increased understanding of both Muslims and Islam. Razia commented on her lack of visible Muslim markers as an effective precursor to constructive dialogue:

'My surname isn't Muslim...you wouldn't know I am a Muslim, and I'd be like 'ah, but I'm a Muslim' and that's when people open their minds'

(Razia, 27, Early Career, Corporate-Immigration, No Children, Russell Group, No Connections to Profession)

Perceptions of Muslim (in)variability from negative media representations can be directly challenged through positive exposure to stereotype-incongruent information (Hewstone and Hamberger, 2001); thus providing opportunity to, as Razia suggested, 'open their minds'.

This effect was also experienced by Parveen, who discussed the evolution of colleagues' perceptions towards her Muslim identity:

'I don't think they could work me out...for me, it's completely normal, but- then they'd question me about it, and I'd go, 'oh yeah, because of this...'. I think they are used to it now, they're used to the way I am. I think it's because I was one of the first Muslim girls to practice here...but now I think we're all used to it, you know?'

(Parveen, 26, Early Career, Commercial, No Children, Russell Group, Immediate Connections to Legal Profession)

Parveen's entry into a racially homogeneous firm initially evoked curiosity from her colleagues; they couldn't 'work out' behaviours which seemed 'completely normal' to Parveen. The continual friendly interactions and recurrent exchange of information between Parveen and colleagues had eventually fostered an increase in mutual empathic understanding ('I think we're all used to it'), aiding the reconceptualisation of normativity within the firm (see Paolini et al., 2004: 772; Islam and Hewstone, 1993). This was reinforced by Sana and Nosheen:

'What I can bring as a Muslim woman is that I can break the stereotype, and say actually, I like to have a laugh and a joke...and I also like a cup of tea in the morning, and you know...I do occasionally read my horoscope! So as a Muslim I can actually show that we are human.'

(Sana, 22, LPC Student, No Children, Pre-1992, Connections to Other Professions)

'I mean, when you get an individual who has been exposed to Islam, I think they have a better understanding and common sense than those who haven't. They might understand a bit more...then it makes you think 'well, if someone is this educated, and works in this firm, then they would have the capability to understand someone else's difference', you know?'

(Nosheen, 33, Partner, Property, No Children, Russell Group, No Connections to Profession)

Situations like this can provide a beneficial effect within previously homogenised spaces, in suppressing reliance on negative stereotypes and attitudes (Hutchinson and Rosenthal, 2009: 44) - to the benefit of future Muslim entrants.

The salience of professional commonality cannot be underestimated. For example, in the immediate aftermath of the 7/7 terrorist attacks in London, Razia discussed the influence of equal-status contact experiences (Robinson and Preston, 1976) in quelling the negative responses towards fellow Muslim professionals:

'I think the reason the 7/7 attackers didn't have more of an impact in London is because everyone knew a Muslim. It's like, 'well, they're just stupid. I know Mo who works in IT, and he's fine'.'

(Razia, 27, Early Career, Corporate-Immigration, No Children, Russell Group, No Connections to Profession)

Prolonged working contact with Muslim professionals can potentially lead to a reduction in perceived threat level from this group (see Savelkoul et al.'s 2011 study of anti-Muslim attitudes within the Netherlands). Knowing Mo in IT, or Yasmeen working in Costs, reinforces

the normality of these individuals, whilst providing a readiness to challenge sweeping Islamophobic generalisations in times of societal crisis. This was emphasised by Halimah:

‘People perceive Islam in a warped way. So having a Muslim woman as a solicitor, you just think, ‘oh actually, they’re quite normal- just like us. They do jobs just like us, they have the same values and beliefs just like us.’

(Halimah, 25, Trainee, Crime, No Children, Russell Group, No Connections to Profession)

However, we must be careful not to over ascribe the effects of intergroup contact on professional structural inequalities. Professional intergroup contact will not completely erase instances of Islamophobia within the workplace (as demonstrated in chapter 5), although it may assist in mitigating its detrimental impacts during times of heightened hostility.

Secondly, Savelkoul et al. (2011) suggest that the effectiveness of intergroup contact in reducing prejudice may be based upon individual level variation, such as educational attainment, degree of religiosity, class, gender and age. Due to the small sample size, the differential impact of individual determinants cannot be verified. Finally, although reducing prejudice improves amiability between working groups, it does not necessarily follow that this will lead to dominant support for policies designed to produce structural change within the profession. Warm relations do nothing to directly challenge the inherent institutionalised hierarchies. As Dixon et al. warn, we may continue to deprive others of opportunities whilst retaining an indifference or mild (perhaps condescending) affection, as long as they accept their ‘subordinate’ place. When structural imbalances are challenged, this is often when intergroup negativity begins to kick in (2012: 416-7).

6.4 Summary

This section discussed the impact of Muslim women's presence within the legal profession. I have attempted to reconstruct Muslim women lawyers as active agents, involved in the advancement of their respective communities as both cultural and institutional entrepreneurs. I argued that these women occupy a valuable position as community role models; providing marketable social, ethnic and aspirational capitals in the form of co-ethnic psychosocial support, motivation and access to work experience for youth generations.

6.5 Uncertainty within the Post-Professional Landscape

Despite their marginalised status, Muslim women are making limited gains in facilitating their inclusion into legal spaces. This section will assess the fragility of those gains within a post-professional environment.

6.5.1 The Changing Logics of the Post-Professional Legal Field

The legal profession has undergone a period of radical transformation since the 1980's; this has included increased fragmentation (Francis, 2005; 2011), the challenge of globalisation (Empson, 2007; Faulconbridge and Muzio, 2008), the decline of professional autonomy (Boon, 2010) and a turbulent relationship with the state (Abel, 2003; 1989). In a departure from the classical neo-Weberian models of professionalism, contemporary law firms are currently facing very different management and organisational challenges than those experienced by their predecessors in earlier decades (Greenwood, 2007: 187). As the legal profession struggles to effectively adapt to these radical shifts, Kritzer suggests the profession is entering into a period of post-professionalism (1999: 715): experiencing a seismic restructuring of its internal institutional logics (Lounsbury, 2002).

The LSA 2007 and LASPO 2012 have significantly impacted on the high street sector in particular. These two pieces of legislation signal a process of what Webley terms

‘de(re)regulation’: deregulation as the profession’s characteristic powers of self-regulation is removed, whilst becoming re-regulated along market principles and state intervention (2015: 2349). I will briefly address some of the central features of these acts, before turning to the resultant impacts upon Muslim women.

The LSA 2007 was enacted by the New Labour government, endorsing the ‘Third Way’ ideology⁸. Following the proposals set out in Sir David Clementi’s Review of the Regulatory Framework for Legal Services in England and Wales (2004), the LSA established the Legal Services Board (LSA 2007, s.2): an independent executive sponsored body tasked with the oversight of the legislation’s regulatory objectives (s.3). Perhaps most significantly, the act has opened the profession’s jurisdiction to external bodies, allowing the supply of legal services through non-lawyer organisations through Alternative Business Structures (LSA 2007, s.71-111). The LSA reforms have sought to firmly enshrine legal professionalism within the market, reconstructing legal practice as a business as well as a profession (Whelan, 2008: 491; Boon, 2010: 197; Flood, 1995), effectively freeing the ‘forces of competition’ from which they were once protected (Abel, 1988: 293; Larson, 1977). Beneath the language of ‘public interest’ and ‘consumer choice’ (Clementi, 2004: 99), the changing professional regulations ‘pit one professional body against another’ as they aggressively compete for consumers (Webley, 2015: 2360). The resultant effects of the LSA will arguably be experienced differently across the profession; as Francis suggests, whilst large firms have found some security within its walls, the Law Society has struggled to provide smaller firms with adequate shelter from the ‘harsher winds of competition’ (2011: 149).

Further developments have also been seen within the provision of legal aid, which have had drastic impacts on both the ‘for-profit’ (FP) and ‘not-for-profit’ (NFP) sectors. Past governments have often adopted a hostile rhetoric towards legal aid and its lawyers,

⁸ Giddens locates the ‘Third Way’ approach as a medium between classical social democracy and neo-liberalism, emphasising the role of the government in human resource investment and economic security (1998: 99)

constructing legal aid expenditure as problematic, and in need of significant reform⁹ (Sommerlad and Sanderson, 2013; Moorhead, 2004). The New-Labour Access to Justice Act 1999 began to vastly reduce the scope of legal aid, extending conditional fee agreements to cover most civil legal cases. LASPO 2012 continued legal aid reformation under the Liberal Democrat-Conservative Coalition, effectively removing matters concerning welfare benefits, debt, employment (apart from in the cases of discrimination), as well as almost all family and immigration cases from its scope (Part 1, Schedule 1). Whilst hyperbolic rhetoric declaring the 'end of legal aid' (Miller, 2012) may be dismissed, its drastic impacts on firms, practitioners and clients cannot be denied. A profession that relied on access to justice as justification for its state autonomy now faces a shortfall in publically funded clientele (Webley, 2015: 2356; Abel, 1988, 2003); its parameters reconfigured and redrawn within a strict regulatory framework, subjected to tight financial constraints (Sommerlad and Sanderson, 2009: 80)

The rising pressures felt by legal aid lawyers themselves have been well documented; dwindling income and job satisfaction and diminished public perception have encouraged narratives of despondency, with many lawyers choosing to leave the sector, or the profession, as a result (Sommerlad, 2001; Moorhead, 2004). The magnitude of these reforms pose sizable challenges to mainstream legal professionalism. Cuts to public funding and the changing institutional logics, in conjunction with the biting impact of the global recession, have intensified the instability of smaller firm business models, risking further fragmentation within the profession (Law Society, 2012: 13). Consequently, I argue that this structural upheaval will disproportionately affect women and ethnic minority actors, who are (often clustered in specialities such as family, immigration and employment law. I suggest these non-traditional

⁹ This sentiment was reflected post-LASPO by then Justice Secretary, the Rt Hon Chris Grayling MP, in 2013: 'we cannot close our eyes to the fact legal aid is still costing too much. It is not free money...it is paid for by hard-working taxpayers, so we must ensure we get the very best value for every penny spent.'

groups will be exposed to increased pressures and uncertainty whilst operating in these marginal positions.

6.5.2 Emergent Uncertainty in High Street Practice

Professional reform was highlighted by participants across high street practice. In particular, 2 participants, Halimah and Sarah, working within personal injury expressed concern surrounding the increased pressures. Halimah discussed the threats posed by emergent forms of legal service under ABS, and subsequent pressures to increase profits:

‘We have to bring the money in...’cause now with the threat of alternative business structures, we have to be a business as well’

(Halimah, 25, Trainee, Crime, No Children, Russell Group, No Connections to Profession)

In conjunction with financial uncertainty, participants’ highlighted the unease surrounding their workloads and job security as lawyers. As Sarah explained:

‘I mean, there is a lot of changes. People are on tenterhooks about whether they are going to keep their jobs. Parliament are really downsizing costs and fees...when the new rules kick in it will be a lot harder to be a solicitor in our profession’

(Sarah, 26, Early Career, Personal Injury, No Children, Pre-1992, Connections to Other Professions)

Uncertainty about the firm’s future was a predominant concern for participants, contemplating whether it would be able to successfully ‘ride the storm’ (Sarah, 26, Early Career, Personal Injury, No Children, Pre-1992, Connections to Other Professions). However, it is within the legal aid sectors where the tensions of professional reregulation were most acutely felt.

6.5.3 Provision of Legal Aid in FP and NFP Sectors and the ‘Moral’ Lawyer

Any discussion of legal aid lawyering must take place in the context of the relationship between legal aid and social citizenship, as well as the individual solicitor’s character and approach to legal practice (Sommerlad, 2001: 337). Explored in chapter 4, legal aid career motivations were often expressed in terms of active agency. This was underpinned by an empathic engagement with social justice issues and the empowerment of disenfranchised groups, alongside a scepticism about business-led corporate practice¹⁰ (see Thomson, 2005: 284-5). For these lawyers, such objectives move from the margins of practice into the centre of their political lives (Sarat, 1998). In so doing, these lawyers fundamentally destabilise the conception of lawyering as constructed through market interest (Abel, 1988; 2003). Rather, as Sarat and Scheingold suggest, they:

Reconnect law and morality and make tangible the idea that lawyering is a ‘public profession’, one whose contribution to society goes beyond the aggression, assembling, and deployment of technical skills (2005: 3).

These actors are essentially marginalised at the edge of mainstream professionalism in a number of different ways, including their relative lack of resources, low status and pay (Francis, 2011: 87), and their association with often vulnerable or ‘poverty-stricken’ clients (Abbott, 1988: 123). In light of the depleting social funds and structural reorganisation, these practitioners frequently face agentic limitations in pursuing their respective commitments towards social justice. This section follows the narratives of 4 participants, Taibah, Anisah, Zayaan and Dina, as they struggle to negotiate the practical and emotional challenges of current legal aid practice.

¹⁰ Progressive lawyering is described in a multitude of ways: including ‘cause’ (Sarat and Scheingold, 1998), ‘activist’ (Francis, 2011), and ‘political’ lawyers (Sommerlad and Sanderson, 2013).

Taibah reflected on her experience of LASPO, and its resultant impact on the dramatic decline in clients:

‘Before when we had legal aid, literally I’m not even exaggerating this, we had 5 or 6 clients a day. We’d be fully booked; we’d have every solicitor seeing a client and we’d have back to back appointments...since the legal aid changes we usually have about 1 or 2 appointments per week, so it’s dropped drastically.’

(Taibah, 24, Paralegal, Family, No Children, Post-1992, Connections to Other Professions)

Within the FP sector, the client deficit has placed an unprecedented financial strain on these firms; as publicly funded work becomes wholly uneconomic (Cobb, 2013), these areas of law are being absorbed into private practice. Firms must develop new organisational forms (Greenwood and Suddaby, 2006) to adapt to the changing reality of the professional market, including proactive marketing and initial free consultations as a ‘taster’ before purchasing the product (Maclean, 2015: 67).

However, the policy implications are not only experienced by firm management and at the broader citizenship level, but are located in the individual lives of these lawyers working on the professional edge. These actors are what Lipsky (2013) terms ‘street-level bureaucrats’: individual workers who seek reconciliation between their own political and moral commitments and the structural constraints contoured by political reality (Sarat and Scheingold, 2005: 4). Taibah expressed her anguish in turning needy clients away:

‘I think the worst thing is not even that we don’t get the clients - it’s turning clients away who are in need. We had a father come in and say, ‘I want access to my child, I haven’t seen him for over a month and [his mother] is refusing to let me have contact...and I turned around and said to him ‘Legal aid, since April, has changed. It’s

not available for family matters, and provisions have been cut for that'. Erm...and then he turned around and said to me, 'so you are telling me I have to pay to see my child? What kind of nonsense is that?!'

Notwithstanding her own moral position, Taibah unwillingly becomes the public 'face' of the governmental policy (Lipsky, 1993: 382). They are experiencing, as Fournier argues, the disciplinary governance of professionalism (1999: 281), where the 'techniques of the self are integrated into structures of coercion' (Foucault, 1993: 203).

In so doing, her conception of 'lawyering' therefore becomes a double-edged sword; held ransom by the disciplinary logic of professionalism (Fournier, 1999), and her emotional commitment to the client and understanding of social justice. This difficult position invariably has implications for the psychological and emotional wellbeing of the practitioners involved:

'I think it really affects you when you see the impact, that's when you really start to think to yourself, 'that's...you know, taking someone's right to family life away...'. I think sometimes it really does daunt on you. You just think, 'what am I here for? Why am I doing my job?''

As her capacity to assist becomes severely limited by structural and financial constraints, Taibah is left to ruminate over her 'daunting' feelings of passive responsibility: her inability to act is effectively 'taking someone's right to family life away'. The perceived perversion of her professional ideal (Lipsky, 1993: 383) underpins a periodic sense of helplessness and dissatisfaction in her role as lawyer (for example: 'What am I here for? Why am I doing my job?').

What is an activist lawyer able to do under these adverse circumstances? One of the possibilities to fulfil this 'moral pull' is to engage in pro-bono work. The legal profession actively encourages the provision of pro bono as an integral part of access to justice. Indeed,

the Law Society suggests that solicitors at all stages of their careers have the 'capacity to use their professional expertise to help those with legal needs' (Law Society, Pro Bono Charter). However, the interplay of opportunity and constraint in the provision of pro bono depends on the practice site, and the resources available to the actor (Sarat and Scheingold, 2005: 10-11). The relative positioning of the lawyer therefore shapes what they feel can and feel able to do. For example, Miriam, located within the corporate sector, discussed her engagement in a multitude of causes:

'I do work in terms of advising charities and other free pro bono things. I'm happy to do it...erm, I'd love to do more work with the Muslim community...'

(Miriam, 34, Head of Department, Commercial, 1 Child, Russell Group, Immediate Connections to Legal Profession)

Corporate practice can supply the relative freedom for a Muslim woman to organise for the public interest, whilst enjoying the stability and financial rewards elite practice provides. Essentially, they possess the resources to innovate and transgress the boundaries of cause and mainstream lawyering.

This agency is, however, limited for actors working within the lower reaches of the profession's internal hierarchies (Francis, 2011: 110; Sommerlad, 2001), as they find themselves constrained by funding cuts and state sanctioned bureaucracy. This was highlighted by Taibah:

'You know, you want to go out there and help, and work for free- work pro bono - but that's not something I can offer...and you just think 'that's really unfortunate' ...'

(Taibah, 24, Paralegal, Family, No Children, Post-1992, Connections to Other Professions)

The tensions resulting from LASPO have also been acutely felt by the NFP sector, particularly within the Law Centre movement, as they struggle to meet the sharp rise in demand following falling levels of legal aid eligibility (Law Centres Network, 2014). Between 2012 and 2013, one in six Law Centres have closed their doors as a direct consequence of the legal aid and local authority funding cuts (Written evidence from the Law Centres Network (LAS 57), 2012). There was marked concern, raised by Zayaan, that the Law Centre movement was moving away from its activist grassroots beginnings:

‘The Law Centre movement has changed significantly, not because it’s wanted to but because it’s had to, so they’re now doing fee paying work...and I see the pragmatic reasons for that, you know, but it’s a sad moment for the Law Centre movement...it’s finding the pressures of the financial crisis very difficult. I do not enjoy the environment of working anymore’

(Zayaan, 45, Mid-Career, Law Centre, 2 Children, Russell Group, Connections to Other Professions)

Zayaan continued to discuss the psychological impact of the movements changing ethos, and increasing client demands, claiming she had reached ‘burnout’ stage:

‘I’ve just gone through the burnout stage where I just can’t bear the thought of another client appointment - I wish they’d just go away’

The introduction of fixed fees was, too, raised as a major concern. Participants commented on the disparity between the incoming fees and the complex workload:

‘I remember, ‘cause I was dealing with a case till 4-5am in the morning, and we were there all night...Now how many people would even care? Spending all that time

wasting, and I'm only gonna get paid £200 for the whole work, so why do I wanna spend a whole night and morning bothering?'

(Dina, 39, Partner, Crime, No Children, Post-1992, No Connections to Profession)

Working through the night during Ramadan proved particularly stressful for Dina, who spoke of having to 'break her fast' in the office.

Similarly, Anisah referenced the frequently intense amount of emotional labour involved in case work, often requiring her to occupy a dual solicitor-counsellor role (Sommerlad, 2001):

'I think 'you can't spend so much time on this case because it's not giving the money', but you know this client needs me! But then you are not getting anything out of this- your chargeable hours are going down. People could be just like a money making machine, not thinking about the clients or their difficulties...but when you do family, you have to be more counsellor than solicitor. You have to listen to what they have to say - she might feel upset...you just have to listen.'

(Anisah, 37, Mid-Career, Family, 2 Children, Prestigious University, Connections to Other Professions)

Anisah discussed her pessimism regarding the future of legal aid:

'I am very worried, because the future's not too bright for lawyers, you ask anyone who's practicing [...] if you're not getting money in you will be out in no time. Basically with the laws changing and these cash flows and recession, firms are going into administration. It's all mix and match, it's all mixed emotions. But at the end (sic), people are reluctant in seeing the future of law as very bright'

Furthermore, Dina raised her concern that the low levels of remuneration, combined growing dissatisfaction would be detrimental to the quality of lawyers attracted to legal aid work in the future:

'I suppose that crosses the border of a 'lawyer' and a 'non-lawyer' doesn't it? You get people in a profession that care, and then you get 'jobsworths' who just do the job and leave, won't they? And won't care, and that's because you've got loads of people who don't care being left in a job, because those that care will be like 'well, actually, I can't do my job properly...do I actually want to carry on doing this work if I can't offer a service...aren't I just better off getting out of the profession?' Or doing a different area of law...law which is private as opposed to legal aid.'

(Dina, 39, Partner, Crime, No Children, Post-1992, No Connections to Profession)

Abel alludes to an intrinsic job satisfaction once being the central feature of a professional career (1988: 24). Indeed, social psychological research has suggested that people need social validation in order to maintain their commitments (Parker, 1999: 230). In light of dwindling job satisfaction, it is perhaps unsurprising that a number of participants expressed their intentions to escape profession life altogether.

6.6 Exits and Perspective Withdrawal

'Everybody has that aspiration of being a partner...'cause you wanna get to the end, don't you? When you've made it to partner, that's it, you've done your job and that'll be good'

(Sarah, 26, Early Career, Personal Injury, No Children, Pre-1992, Connections to Other Professions)

The increase in BME and women solicitors entering into the profession indicates the legal landscape is slowly changing. However, the profession continues to face significant issues

in retaining these solicitors, losing valuable skills and talent (Law Society 2004a; Law Society 2004b; Bolton and Muzio, 2007; Sommerlad and Sanderson, 1998). As Muslim women continue to face barriers and discrimination within the profession, the question remains whether this literature merely represents the 'tip of the iceberg' for Muslim women's retention.

Within this study, 5 out of the 12 participants expressed a desire to leave the profession, either imminently or in the near future. There was no singular unanimous reason given by this group. Rather, their reasons were highly complex; an amalgamation of cumulative pressures in conjunction with their own reflexive positionalities.

Anisah harboured a long-seated desire to open her own firm, a move which would allow her greater control over her working hours and childcare. This idea had reluctantly been put aside; the financial instability of the market had made it a high-risk venture:

'I wanted to start up my own...start up my own law firm, which I can...but, with the current scenario...I don't know what's happening, because every 5 minutes we are getting new articles from the Law Society saying 'no, no, no, this is not...' (trails off)'

(Anisah, 37, Mid-Career, Family, 2 Children, Prestigious University, Connections to Other Professions)

Anisah had just been offered partnership of her current firm:

'I've just been offered a partnership...I am feeling great. I've never been partner before! But I am not very sure about the future of law...'

Clearly delighted that her commitment to the firm had been rewarded, Anisah expressed her desire to take up the role of partnership. However, whilst Anisah had fulfilled the aspiration of many, the darkness of an uncertain future significantly dampened her happiness. After the dictaphone had been switched off, myself and the participant had engaged in a lengthy

discussion regarding the possibility of doctoral study in family law, including questions of accessing funding, and teaching opportunities. I subsequently received contact from Anisah a few months later, informing me that she had submitted an application to undertake a doctoral programme instead of her partnership.

The lack of flexibility and long hours culture within the profession made teaching an attractive alternative, particularly to women with children:

‘What is it then, what does the future look like? Erm, one...err...something that I would be interested in is maybe teaching or lecturing, erm ...so that’s less practice more- it would be much more flexible...’

(Zayaan, 45, Mid-Career, Law Centre, 2 Children, Russell Group, Connections to Other Professions)

Dina similarly considered teaching as an escape from the unrewarding stress of practice, which provided additional perks:

‘Just stepping back and saying ‘well actually, I don’t want to be involved in this, this is crap...I can do something else’ for example, the lecturing thing, that’s easier...’I’ve got more perks, more holidays...and I can just get on with that’. And there’s no unsocial hours really...other than marking and whatever’

(Dina, 39, Partner, Crime, No Children, Post-1992, No Connections to Profession)

Women may wish to leave to further pursue their legal interest from an academic perspective. Like Anisah, research was considered a possibility:

‘I would like to do more of that...a job that enables me to think a bit more, about what I’m doing, what- what- what it means to you know, what refugee law is, and immigration law means and- rather than just reacting all the time to somebody’s problem...’

(Zayaan, 45, Mid-Career, Law Centre, 2 Children, Russell Group, Connections to Other Professions)

'I would like to hopefully do my PhD...erm...right now, I think it's really something I want to do, and explore migrants' rights [...] I think it would be my special thing that I've contributed, or highlighted that it's not fair...or like that you're doing now, you're highlighting something that's so apparent to us, but to other people it might not be so clear cut.'

(Razia, 27, Early Career, Corporate-Immigration, No Children, Russell Group, No Connections to Profession)

Research enabled participants to draw upon a different set of skills away from practice, and to explore their specialism more deeply. Zayaan, who'd previously spoken about her disillusionment with the Law Centre movement and subsequent 'burnout', saw research as an opportunity to rekindle her passion for immigration law, previously lost in the mundanity of practice (see Law Society, 2004b).

However, it is the amalgamation of their social position, background and religious convictions that seems to lead individuals to have a different vision of success. Being a lawyer is not necessarily the end goal for all individuals. Halimah discussed her position as a solicitor as a stepping stone to other things such as charity based work, and later motherhood (see chapter 4):

'I never wanted a career. Being a solicitor wasn't never a long term goal...I wanted to go on and do charity work, so something more wider (sic)...promoting human rights...which is in Islam anyway...I wanted to get religion out there, but I need education, your work experience...everything builds you, so I wanted that base to go ahead with that'

(Halimah, 25, Trainee, Crime, No Children, Russell Group, No Connections to Profession)

Halimah's education and practice experience thus provide the necessary resources to pursue her Islamically-oriented goals.

Finally, we might consider whether the position of the Muslim women makes it easier to leave than their non-Muslim or male counterparts. Chapter 4 discussed the construction of the Islamic family, and the distinctively gendered roles within Islamic society. Arguably, Muslim women feel the weight of the domestic sphere in divergent ways, balancing their religious duties as a mother, and the demands of an extended family alongside the profession's greedy expectations. Furthermore, the need to effectively manage her Muslim self, in conjunction with the instability of a post-professional environment may increasingly make exit an attractive option - taking their valuable skills and experience with them (Law Society, 2004b).

6.7 Conclusion

Far from 'passive' individuals, in this chapter I sought to reconstruct Muslim women as active contributors to positive social and community change. Muslim women occupy influential positions as role models, cultural and institutional entrepreneurs. I further emphasised the role of community, and kinship networks, in facilitating the transfer of valuable support and social capital to future generations.

I also discussed the fragility of these gains, exploring the effects of LASPO and the LSA in a post-professional landscape. I have argued that these seismic changes on the legal aid and NFP sector have made a detrimental impact upon the practice and wellbeing of this group. I finally explored the theme of untimely exits, investigating why participants were choosing to leave the profession after overcoming occupational barriers.

The next chapter forms the final substantive chapter of this thesis, revisiting the main themes and findings of this research.

Conclusion: Towards a Comprehensive Understanding of Muslim Women Solicitors

7.1 Introduction

The overarching aim of this thesis was explore the structural barriers challenging Muslim women solicitors within the post-professional landscape. This case-study has highlighted narratives that have been previously under-represented within the current literature. Drawing upon feminist frameworks of embodied intersectionality, and the critical theories of race and ethnicity, this work has explored the ways in which Muslim women navigate these legal spaces. Through this, I have sought to illuminate their reflexive agency, as they negotiate, transform, but also to (re)produce professional, and social hegemony. My framework has worked 'within, through and across' cultural difference (Brah and Phoenix, 2004: 79), positioning Muslim women in relation to the intersection of gender, ethnicity, class, religion (Buitelaar, 2006: 262; Brah, 1996: 246-7), and situated within the wider socio-political discourse. In doing so, I hope to have captured the multiplicity of Muslim professional experience, and amplified the subjectivity of these women's voices.

This chapter consolidates my main findings and central themes. I discuss the implications of my research, and highlight its novel contribution to the literature. I conclude with a discussion of policy implications, limitations and recommendations for future research.

7.2 Main Findings and Themes

7.2.1 The Continued Salience of Class

The influence of social class has been resistant to change. From Larson (1977) and Abel's (1988) observations of the standardised knowledge base, the educational requirements

are inextricably bound to the system of class (Larson, 1977: xvii); inhibiting the flow from lower social echelons in a collective effort to maintain the status quo. One of the regulatory objectives of the LSA 2007 (s.1(1)(f)) was to 'encourage an independent, strong, diverse and effective legal profession' and, in response to the Milburn Report (2009), the LSB issued a statement detailing its plans to drive progress on diversity and social mobility issues (LSB, 2009). Despite this, akin to the wider population, the participants' individual histories (see Chapter 3, Table 3.1 and Chapter 4) indicate that social class continues to play a significant role in the stratification of Muslim women (see Li and Heath, 2016).

Giddens (1995) discusses choice as a medium between power and stratification. Field choice was presented as an objectively neutral concept by participants, often coupled with a sense of satisfaction. However, as Sommerlad and Sanderson suggest, career 'choices' themselves may be theoretically different to career preferences. Just because an individual 'chooses' an area, doesn't mean it is one she really wants (1998: 223-4). Thus, I have argued that 'choice' is a complex process of continual negotiation and compromise; shaped through personal motivations and milieu, and dominated through the fluid discourses of class, status and power (Bagguley and Hussain, 2016: 45; Archer, 2007b).

Muslim women occupy a broad cross-section of the class hierarchy, reflected in their complex cultural and consumption styles. Habitation within different economic niches produces a wide variation in experience, and is significant in structuring their professional opportunities (Bhachu, 1993: 101). Markers of socio-economic class, such as attendance at elite schools, prestigious universities, postgraduate education and pre-existing family connections, continue to imbue significant competitive advantages in recruitment and field selection.

Muslim women have made significant progress entering into higher education. Indeed, data collected by Bagguley and Hussain indicate more working class Asian women

attending university than their white counterparts (2016: 52), bringing with them valuable social resources and reflexivity (Clegg, 2011). Nonetheless, as Francis argues, the continued stratification of higher education (2011: 41) means that it is newer institutions bearing the primary responsibility for educating 'non-traditional' entrants. Such institutions are, thus, presented as 'inauthentic spaces' (Archer, 2007a: 641-2) within popular discourse. In an increasingly competitive marketplace, the reputational capital attached to elite institutions and postgraduate qualifications can be used to distinguish candidates for selection. In a fluid consumerist society, to draw on Bauman's analogy, individuals find themselves judged based on their capacity to consume; thus, an individual 'freedom of choice' defines the social hierarchy. Individuals appropriately positioned to access elite educational spaces and financial resources consequently find themselves with the greatest degree of choice in mediating their professional mobility goals. Those who lack appropriate positioning are stratified as 'flawed consumers' (2005: 38), consequently finding their choices within the legal field increasingly restricted.

As the data has shown the nature of social class is multidimensional, intersecting with other modalities of differentiation. We must be careful, as Brah suggests, not to treat class as an independent variable. In fact, the oppression and opportunity conveyed by class is deeply inscribed within other differentiators (Brah, 1996). For 'elite' participants, their classed *milieux* supplied ontological complicity (Bourdieu, 1990: 11-2; Puwar, 2004): establishing a comfortable 'feel for the game' and its *doxa* (Bourdieu, 1990), vastly reducing the sting of habitual dissonance within the field (Costello, 2005). At the same time, ethnic markers such as community/ religious specific knowledge and linguistic abilities can be reconstructed as valuable cultural capital. Economic capital is similarly expendable in the purchase of paid childcare, and its resultant benefits.

I am careful not to suggest that the Muslim women who enjoy these classed privileges never experience disadvantage. Their classed familiarisation does have an impact upon how they are read within the profession (Puwar, 2004: 128). However, they continue to be subverted by ethnicised, religious and gendered difference which mark them as strangers (Ahmed, 2000). Thus, the multi-locationality of Muslim women is embedded in contradiction, and the precise interplay of class advantage at each point in an individual's career is difficult to predict (Brah, 1996: 125). This was exemplified by the narratives of Miriam in particular, who felt her new identity as a mother and her emergent relationship with God had begun to directly contravene her pre-established elite professional image.

Recognising the position of social class as a locus of power goes some way in constructing our understanding of Muslim women, particularly in its potential to rework other discourses of identity.

7.2.2 The Centrality of Family and Community

Any research into diasporic groups must also take into account the unique subcultures of minority women (Collins, 2009), and its intersection with gendered expectations. As such, this work has acknowledged the centrality of Muslim family life and values in shaping the narratives and practice of Muslim women within the profession (see Basit, 1997: 47). I have argued that these kinship bonds perform a dual function in both challenging and enabling full professional participation.

Chapter 4 reiterated familiar challenges in negotiating work commitment and caring responsibilities, particularly in achieving an adequate 'work/life balance'. Affirming previous findings, the weight of the domestic sphere continues to fall disproportionately on women. Thornton and Bagust argue that 'life' is synonymous with the feminisation of caring responsibilities: indeed, few male lawyers desire a 'balance' with regard to family in this way (2007: 778). Increased market competition further entrenches the normalisation of long

working hours, and the consequent spill-over between professional into the social continues to be particularly alienating to women (Webley and Duff, 2007: 387). Participants found the task of arranging sufficient childcare arduous, and sometimes prohibitively costly, often seeking support from spouses or extended kin where available (Sommerlad and Sanderson, 1998). Flexible work patterns and maternity leave were also framed as complicating, or 'scuppering', chances of progression, detracting from her authority as a 'serious contender' for partnership (Thornton and Bagust, 2007: 806).

Situating these critical discussions of gender within a cultural context is important. Gendered relations within Muslim communities are determined by a myriad of socio-economic, class, political and ideological factors, as well as by religion and ethnic culture (see Abdulrahim, 1993: 55; Hussain and Bagguley, 2007: 87). Together, these construct the women's relative social position, power and expectations within the family unit (Yuval-Davies, 1997: 80). For these women, marriage was an additional dimension in terms of constraint, which influenced their career trajectories (Hussain and Bagguley, 2007: 105). Participants referenced the gendered expectations within marriage, and stressed the need for consultation with their husbands regarding their professional plans. The eventual success of these negotiations was highly contingent upon the circumstances of marriage, and the consequent division of marital power. It was suggested that women in 'traditional' or 'arranged' marriages may face increased difficulties in the negotiation processes.

Furthermore, family duty often spills beyond the nuclear unit towards extended family members (Khattab et al., 2017: 14), in particular the husband's mother and father, who were positioned as significant members of the family hierarchy (Bhopal, 1998; 1997). In the most extreme cases, parents-in-law, specifically mothers-in-law, possessed significant power over the daughter-in-law's time and behaviour (Dale et al., 2002: 959; Bhopal, 1998). Examples of

curfews, critique of career choice, and frequent pressures to perform domestic chores were discussed, providing an additional layer of stress for a number of the participants.

The data also found these community and kinship connections to be enabling, as valuable sources of ethnic, social and cultural capital (Modood, 2004; Anthias, 2007; Putnam, 2000). As well as a commitment to their own personal mobility, Muslim women solicitors occupied indispensable positions as role models and cultural contacts within their communities; providing psychosocial support for the youth generation, as well as practical opportunities for capital development. This emergence of new social and cultural capitals has a positive effect on wider community frameworks; transforming gendered and cultural expectations (Hussain and Bagguley, 2007: 34) within the future generations.

However, one of the research's most striking findings surrounds the role of the Muslim mother, who enjoys an exalted position within the family. The religious/ cultural significance of motherhood shaped a woman's long-term career aspirations: dominating discourses surrounding partnership, flexible work, and plans for future withdrawal. Further empirical research is therefore required to explore this interconnection between Muslim motherhood and career mobility in greater depth.

7.2.3 Negotiating Muslimness

For the majority of Muslim women in this study, religion is paramount to their identity. Participants were self-reflexive about their embodied Muslimness, and how this related to their professional identity. This critical reflexivity informed their actions within the workplace (see Archer, 2007b), guiding their decisions to accept, compromise or avoid potential conflict.

Participants almost universally identified a pervasive, hyper-masculinised 'drinking culture', developing a range of coping strategies in response. The extent of their participation was contingent on their subjective 'i-positions' and religious/ cultural values (Buitelaar, 2006).

Whilst the majority of participants chose to participate in these events, few felt at ease within these environments. Some choose to abstain or cautiously conceal their teetotalism. A minority, completely unable to reconcile these two worlds sought to avoid such events altogether, risking increased stigmatisation and isolation.

The juxtaposition between religious and professional dress was also raised. *Hijab* has been discussed at length within the wider literature, and predictably was a concern for participants. However, the *Hijabi* identity was fluid. As Sommerlad (2014) suggests, *Hijab* can be valuable cultural capital when combined with suitable class markers. For others, the *Hijab* acted as a visible disjuncture to the professional habitus, marking women as the religiously gendered and racialised 'other' (Afshar, 2008; Ahmed, 2004; Mirza, 2012). In addition, firms often failed to provide adequate private and clean spaces to pray. Coupled with the potential discomfort negotiating these requirements with employers, a number of participants chose to either 'catch up' prayers at home, or miss prayers completely.

Perhaps most troubling, Muslims were frequently viewed as a homogenous bloc (Brubaker, 2012), and often held accountable by their colleagues for the actions of other Muslims. This was most acutely felt during times of socio-political turmoil, imposing a perpetual burden on the individual to re-emphasise the fluidity of ethno-religious identity which participants often found distressing and tiresome.

7.2.4 Changing Attitudes

Despite their marginalised societal status, participants strongly believed their presence was facilitating positive attitudes towards Muslim women. This confirmed previous research regarding intergroup contact (Allport, 1954; Pettigrew, 1969; Hamberger and Hewstone, 1997). The findings of the study indicate, through sustained professional contact, that Muslim women had actively assisted in the reconceptualisation of firm normativity, fostering increased understanding and gradual dismantling of harmful stereotypes. In addition,

prolonged contact and friendship with Muslim women assisted in re-emphasising heterogeneity amongst Muslim groups (Hutchison and Rosenthal, 2009: 55), and subsequently reduce anti-Muslim anxieties in times of crisis. Thus, as Thornton suggests, through careers potentially 'dotted with setbacks and disillusionment', the margins of legal practice can conversely provide an opportunity to discursively challenge existing gender, ethnic and religious barriers (1996: 290).

7.2.5 The Challenge of Reflexive Habitus

Narratives surrounding the fluidity of identity, in conjunction with political, economic and cultural flux, increasingly require an embodied resilience. The Muslim women within this study inhabit a world of instability: both Muslim identity and post-professional structure are 'liquid' (Bauman, 2000: 2). Contractor consequently describes the Muslim woman as 'Janus-faced' (2012: 105). As a Muslim, she looks outward to confront her visceral construction as 'folk devil' within the societal imaginary (Cohen, 2002). As a woman, she must learn to manage her fluid identity, navigating the temporally emergent Islamic and community commitments. Finally, as a lawyer, she must reflexively grapple with the extensive alteration of legal professionalism and turbulence of the capitalist market (Flood, 1995: 139). These 'changing economic, social and cultural shifts', as Sweetman suggests, increasingly require possession of a 'reflexive habitus' which encourages the continual monitoring and improvement of the self (2003: 537). Sweetman continues:

Reflexivity ceases to reflect a temporary lack of fit between habitus and the field but itself becomes habitual, and is thus incorporated into the habitus in the form of the flexible or reflexive habitus. (2003: 538)

The seismic re-regulatory effects of LSA 2007 and LASPO 2012, discussed in Chapter 6, has seen significant strain placed on the FP and NFP sectors. The data indicated the agency of a Muslim women located within these sectors appears constrained. Lacking in the resources or

ability to move fields (see Francis, 2011: 166), they are faced with rising pressures, instability and growing despondency. 'In this world', Bauman writes, 'the demand for skills needed to practice such professions seldom lasts as long as the time needed to require them'. The 'rules of the game' are continuously changing the 'course of playing' (1996: 24). Bauman speaks somewhat hyperbolically, but his analysis points to the discontinuity within professional life, where 'living and acting in uncertainty becomes a basic experience' (Beck, 1994: 12). Crucially, Muslim women must demonstrate polyvalence (Bauman, 2000), possessing skill to quickly learn, adapt and 'maintain appropriate behaviour in a variety of settings and locales' (Giddens, 1991: 100; Bauman, 2005: 134). Archer remains critical of this concept, arguing:

the compromise concept of a 'reflexive habitus' itself seems to be compromised: it is either vacuous or an oxymoron. Moreover, it unhelpfully elides two concepts which Bourdieu consistently distinguished: the dispositions constituting habitus and reflexivity as self-awareness of them. (2007: 55)

Our embodied habitus is rooted within the 'art of inventing' (Bourdieu, 1990: 55). Nonetheless, it also sets limits to our actions. Not all social worlds are equally open to everyone (Swartz, 1997: 107; Brubaker, 2004: 10), and not everyone is appropriately positioned to respond to uncertainty (Francis, 2011: 25). In considering Muslim women's contextual location in the matrix of domination, the self-consciousness and flexibility required to comfortably move between social fields is a sizable challenge. Thus, it may only be a select few amongst them who are able share in the elite experience of 'lightness, detachment, hovering, leapfrogging, prancing, surfing and gliding' within these unpredictable and fragmented fields (Bauman, 2005: 135).

7.2.6 Moving Towards a Divergent Model of Success

The chapters of this thesis have explored the extent to which Muslim women's mobility is shaped by traditional organisational structure and, in turn, how this group

strategise to overcome embedded inequality. Echoing the work of Saba Mahmood (2005) and Sariya Contractor (2010; 2012), I wish to revisit the multiple modalities of agency which inform the practice of these participants, inextricably entwined with culture, tradition and history, before envisioning a divergent and Muslim-focused model of 'success'.

My participants' stories indicated a resistance to being defined by structure; rather, they demonstrated a meta-reflexivity in working with, and challenging the status quo (Archer, 2007). For these women, organisational structures are not fixed, but fluid and capable of being melded over time (Giddens, 1984). These women scrutinised their 'own aspirations and opportunities' in pursuing a legal career, often actively negotiating family/ community expectations in accordance with their own interpretation of cultural hybridity (Bagguley and Hussain, 2016: 53). This had included delaying marriage and children, negotiating the domestic sphere and child rearing with spouses, and subverting family expectations. These meta-reflexive strategies were not solely individualistic, but actively contributed to the mobility of other Muslims: establishing Muslim specific support networks, filling crucial 'support gaps' for the youth generation, and reforming recruitment practices within their firms.

Nonetheless, as Tomlinson et al. suggest, even amongst the population of these highly educated and skilled agents, these organisational structures appear far less ductile than Giddens originally suggests (2013: 265). Indeed, many of the coping strategies used by participants were more likely to reproduce, rather than reshape, professional structure. In addition, field location and their subsequent access to power/ deployable resources remained a persistent problem for this group (Battilana, 2006; Battilana and D'Aunno, 2009), and the data indicated continuing stratification and segmentation within the legal field (Bolton and Muzio, 2006). The exclusionary nature of the profession coupled with current regulatory turmoil may also account for the discussions of premature withdrawal from the profession (see Chapter 6), limiting the transformative capabilities of this group.

Despite this, I argue these participants' lived narratives are actively challenging our pre-existing conceptions of success. Feminist scholars have long since accepted that success for women is not synonymous with success for men. Maria Markus identified the experience of success as unequivocally connected a sense of personal satisfaction, particularly the capacity to establish a balance between the 'social' and the 'professional'. However, as Markus warns:

The 'privatization' of the women's standards of success is therefore an extremely ambiguous phenomenon. On the one hand, it does contain a promise of a possibly new model of career orientation; on the other hand - arresting women's advance and providing them with lower awards - it expresses and maintains the inequity of their social situation, and therefore creates not only personal frustrations but also social irrationalities in respect of those principles that are overtly claimed by the society as its own (1987: 102)

For a female professional, satisfaction in the private sphere may continue to take precedence over the acquisition of wealth and power, even if its effects hamper the progression of women professionals as a whole. Indeed, post-colonialist feminists (see Mirza, 2013; Bilge, 2010; Mahmood, 2005; Singh, 2007; Bhachu, 1993) have loudly called for alternative frameworks which centre the values and perspectives of non-Western women within their discourses. Research must therefore acknowledge sexed, racial, community and religious interlock as an integral part of a woman's career development narratives. This is where I must revisit my limitations as a white, non-Muslim feminist.

My intention has been to amplify missing Muslim women's voices (Contractor, 2012) through mapping their experiences of hegemonic professionalism. As an outside researcher, I attempted to articulate ways in which these Muslim women were claiming their agency in professional spaces, as a response to structural challenges. However, as Contractor argues, the

conundrum about how these women define their struggle remains. Given the heterogeneity of the Muslim diaspora, prescribing a definitive treatment to their struggles is a difficult task (2012: 99). Whether or not they are *practiquants* (Bowen, 2007), practicing Muslim women have their own evolutionary history: their own identities intrinsically seeped in Islamic heritage (Contractor, 2012: 100), often conflicting with colonialist, Western-oriented feminism.

Saba Mahmood thus invites us to challenge the feminist status quo and its cultural imperialistic foundations, to recognise alternative modalities of agency, whose 'meaning and effect are not captured within the logic of subversion and resignification of hegemonic terms of discourse' (2005: 153). A truly intersectional approach to agency must move beyond the Orientalist constructions of normative patriarchal subordination, to 'make visible' the agentic capacities of these women, and highlight their capabilities to resist or subvert colonial representations of gender (Bilge, 2010: 18-9).

Professional progression and partnership only represent one sub-set of cultural resistance, and overarching struggle for this group. For some Muslim women, their sense of 'personal satisfaction' travels beyond their abilities to balance the domestic and professional. This is reflected in the pride placed in their roles as wives and mothers: they embody cultural and Islamic power as teachers, matriarchs, role models, and as Muslims, in addition to their professional status. It could be suggested that Muslim groups have not simply replicated Western models of domestic sexual stratification; rather, they have adopted divergent conceptions of masculinity and femininity (Mirza, 1992: 164). These multiple roles allow Muslim women to provide intrinsically valuable contributions to society. Men and women have different roles, however, these differences 'do not make women inferior to men', and do not preclude women from partaking in the professional spheres (Denmark, 2004: 369; Afshar and Maynard, 2000). These multiple identities demand that they occupy an honoured Islamic

space, and their contributions need to be fundamentally recognised and valued (see Afshar and Maynard, 2000: 810). In deconstructing essentialism, we must instead seek to understand the self-perception of her temporal and socio-cultural environment, and the embodied practices which shape the conditions for her subordination and agency (Singh, 2007: 105; Mahmood, 2005: 154). In doing so, as Mahmood argues, we can begin to recuperate their lost voices that have been underrepresented; constructing Muslim women as the sovereign author of 'her-story' (2005: 154). Herein lies the potential to synergise divergent Islamic identity back together with feminist thought (Contractor, 2010: 205).

7.3 Future Directions and Conclusion

As suggested in Chapter 1, this conclusion signals the beginning of research into Muslim women lawyers. As with any research project, there are limitations. Discussions surrounding religious and legal ethics have been omitted from this work. There is a body of US literature exploring the intersection of religious and professional ethics, most notably Levine (1996) and Levinson (1992) relating to Jewish lawyering, as well as Al-Hibri's (1996) discussion of Muslim lawyering. The relationship between religion and professional ethics presented itself as a complex theme within the data, and is one which will be examined within future projects.

Similarly, there is benefit to obtaining quantitative data to identify the field locations of Muslim women throughout the profession. Quantitative data would provide a contextual framework to this study, whilst providing an additional level of understanding for this group.

To end this work, I revisit my original intention of exploring the under-heard narratives of Muslim women in the solicitors' profession. Through a feminist intersectional approach, I have been successful in establishing a nuanced understanding of structural inequality and exclusionary practices still facing this group. Through my dialogue with these women, my

intention has been to demonstrate their reflexive agency in negotiating their family and professional lives, and Muslim identities. Their developments are feeding back into their respective communities, helping to dismantle negative stereotypes, and feedback valuable social and aspirational capital. Crucially, their stories have provided novel contributions to the existing literature; particularly through the discourses of Islamic motherhood, and the provision of prayer within workspaces. As indicated in chapter 1, this research is only the beginning. Further empirical work is needed to advance these themes.

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Legislation

Access to Justice Act 1999

Equality Act 2010

European Convention on Human Rights

Human Rights Act 1998

Legal Aid, Sentencing and Punishment of Offenders Act 2012

Legal Services Act 2007

Race Relations Act 1976

Race Relations Act 1965

Race Relations (Amendment) Act 2000

Racial and Religious Hatred Act 2006

Cases

DeGraffenreid v General Motors (and others)

Mandla v Dowell-Lee [1983] 2 AC 548

Nyazi v Rymans Ltd [1988] IRLIB 367

Appendices A-E

Annex. A.

Information Sheet and Consent Form

Information Sheet

Study Title: Exploring experiences of Muslim female solicitors in the legal profession.

Aims of the Research

This research aims to explore the experiences of Muslim women working as solicitors in the legal profession, in an effort to understand how the legal profession is structured and the experiences of minority groups within it.

Invitation

You are being invited to consider taking part in the research study. This project is being undertaken by Diane Louise Atherton and supervised by Dr. Andrew Francis. Before you decide whether or not you wish to take part, it is important for you to understand why this research is being done and what it will involve. Please take time to read this information carefully and discuss it with friends and relatives if you wish. Ask us if there is anything that is unclear or if you would like more information.

Why have I been invited to participate?

You have been invited as a female over the age of 18, practicing as a solicitor at the time of this study and you identify yourself as a Muslim, or one who has Muslim heritage. 'Muslim' for the purpose of this study is defined as an individual who adheres to the basic belief system prescribed by Islam. It does not matter how strictly you follow your faith, nor does it matter how long you have been a Muslim. There will also be a small number of other participants who will take part in the study (approximately 15).

Do I have to take part?

You are free to decide whether you wish to take part or not. If you do decide to take part you will be asked to sign two sets of consent forms, to make sure you understand the study and agree to direct quotations being used. One copy will be for you to keep and the other is for our records. Please note that you are free to withdraw from this study at any time and without giving reasons.

What will happen if I take part?

Taking part in the study entails completing an initial questionnaire about yourself, and then participating in a short one-to-one interview with the female researcher to discuss some of your experiences as a Muslim female practicing within the legal profession. The interview will be audio recorded, and the information you give will be used anonymously in a final report which will form part of a PhD thesis.

If I take part, what do I have to do?

If you decide to take part in the study, please read the enclosed information carefully, sign the two consent forms provided and email these back to the researcher. You will then be provided with a short questionnaire to complete, and arrangements will be made to organise an interview with you in a location of your preference. The interview will last approximately 1 hour and 30 minutes, and will give you the

opportunity to discuss some of your experiences working within the legal profession, for example discussing your career to date, your future plans within the profession and the impacts of work on your family life.

What are the benefits (if any) of taking part?

In taking part you will be helping to raise the profile of Muslim women in the legal profession, and raise any potential issues this group is facing when practicing as a solicitor. You will also be contributing to academic literature, helping to explore how the profession is structured today, and how it may progress in the future.

What are the risks (if any) of taking part?

It is possible that some participants may feel distress when discussing negative recent or ongoing experiences during the study. You are not obliged to continue with any discussion you do not feel comfortable with. If distress occurs, the interview will cease and recording equipment will be switched off. You will be guided to sources of advice and support to help you with your experiences. It will be your own decision if you wish to continue with the study.

How will information about me be used?

The information you give in the interview and questionnaire will be collected and extracts may be used in two ways:

- i) As part of the research project forming part of a PhD thesis.
- ii) As part of further academic research papers and conferences.

This may include using direct quotations from the interview and paraphrases. Your anonymity will be protected at all times.

Who will have access to information about me?

The information collected from you in both the interview and questionnaire will be strictly confidential. Only the researcher will have access to any personal information given. Any names or place names will be anonymised and replaced with pseudonyms in necessary. Names of any people, places or organizations will not be able to be identified in any way in publically presented material.

The data collected will be stored securely on a password protected computer and a locked filing cabinet. After 5 years, the information will be securely disposed of.

Although the information will be strictly confidential, I do however have to work within the confines of current legislation over such matters as privacy and confidentiality, data protection and human rights and so offers of confidentiality may sometimes be overridden by law. For example in circumstances whereby I am made aware of future criminal activity, abuse either to yourself or another (i.e. child or sexual abuse) or suicidal tendencies I must pass this information to the relevant authorities.

Who is funding and organising the research?

This research is being funded and organised by the University of Keele.

What if there is a problem?

If you have a concern about any aspect of this study, you may wish to speak to the researcher(s) who will do their best to answer your questions. You should contact Diane Louise Atherton at d.l.atherton@keele.ac.uk. Alternatively, if you do not wish

to contact the researcher you may contact Dr. Andrew Francis at a.m.francis@keele.ac.uk.

If you remain unhappy about the research and/or wish to raise a complaint about any aspect of the way that you have been approached or treated during the course of the study please write to Nicola Leighton who is the University's contact for complaints regarding research at the following address:-

Research & Enterprise Services Dorothy Hodgkin Building
Keele University
ST5 5BG
E-mail: n.leighton@keele.ac.uk
Tel: 01782 733306

Contact for further information

Diane Louise Atherton
d.l.atherton@keele.ac.uk

CONSENT FORM

Title of Project: Exploring experiences of Muslim female solicitors in the legal profession.

Name and contact details of Principal Investigator: Dr. Andrew Francis, School of Law, Keele University, Staffordshire, ST5 5BG, a.m.francis@keele.ac.uk, 01782 733222.

Please tick box if you agree with the statement

- 1 I confirm that I have read and understand the information sheet for the above study and have had the opportunity to ask questions
- 2 I understand that my participation is voluntary and that I am free to withdraw at any time.
- 3 I agree to take part in this study.
- 4 I understand that data collected about me during this study will be anonymised before it is submitted for publication.
- 5 I agree to the interview being audio recorded.
- 6 I agree to allow the dataset collected to be used for future research projects
- 7 I agree to be contacted about possible participation in future research projects.

Name of participant Date Signature

Researcher Date Signature

CONSENT FORM

(for use of quotes)

Title of Project: Exploring experiences of Muslim female solicitors in the legal profession.

Name and contact details of Principal Investigator: Dr. Andrew Francis, School of Law, Keele University, Staffordshire, ST5 5BG, a.m.francis@keele.ac.uk, 01782 733222.

Please tick box if you agree with the statement

1 I agree for any quotes to be used

2 I do not agree for any quotes to be used

Name of participant Date Signature

Researcher Date Signature

Annex. B

Participant Questionnaire

Experiences of Muslim Female Solicitors in the Legal Profession Research Study

Diane Louise Atherton (Postgraduate Student, Keele University)

This questionnaire asks basic questions about yourself, including your background and current position within the Legal Profession. It is designed to be used alongside your interview to help the researcher identify the experiences of Muslim women within the profession. If you have any concerns or questions about the questionnaire, please feel free to discuss these with Diane Atherton d.l.atherton@keele.ac.uk, or alternatively you should contact Dr. Andrew Francis a.m.francis@keele.ac.uk.

Thank you for your time and support.

In completing the questionnaire, please place a tick or cross in the relevant boxes for each question, and complete written responses in block capitals where applicable. The questionnaire should take 10 minutes to complete.

All the information given will be strictly confidential and anonymous. By submitting the questionnaire, you are consenting to the information being used in the final report and future academic publications.

Please begin by writing your name below. This will NOT be reproduced or used for any purpose other than matching your interview with the questionnaire. All data will be held in accordance with the Data Protection Act 1988.

NAME:.....

Date:...../...../.....

General Information

1) Gender

- Male
Female

2) Age

.....

.....

3) Place of Birth

- UK
Europe
Pakistan
Bangladesh
India
Asia Other
Africa
The Americas
Other (*please specify*)

.....

4) How would you describe your Ethnic origin?

- Black British
African
Caribbean
White British
White European
White Non-European
Middle Eastern
Far Eastern
Bangladeshi
Pakistani
Indian
Other (*please specify*)

.....

5) How would you describe your religious beliefs?

- Muslim Sunni

- Muslim Shi'a
- Muslim (Non-practicing)

6) How would you describe your marital status?

- Single
- Common law partnered/Co-habiting
- Married
- Widowed

7) Number of Dependents:

- 0
- 1
- 2
- 3
- 4
- 5+

Family Background

8) What was the main occupation of your mother/ step-mother/ carer when you were a dependent?

.....

9) What was the main occupation of your father/ step-father/ carer when you were a dependent?

.....

10) What is your family's experience of Higher Education?

It is common for family members of my parents' generation to go on to Higher Education

A few family members of my parents' generation went on to Higher Education

Only family members of my own generation went on to Higher Education

I am the only family member to go on to Higher Education

11) What is your family's experience of the Legal Profession? (Please tick ONE)

My mother/ father/ carer worked in the Legal Profession

- My family do not work in the Legal Profession but have friends who do
- My family has connections with other Professions
- My family does not have links with any Profession
-

About your Career/ Academic Background

12) What type of secondary school did you attend?

- State school
- State selective school (e.g. grammar school)
- Fee paying school

13) Which University did you attend? (Undergraduate/ Postgraduate)

.....

14) Are you currently employed?

- Yes
- No

If yes, what is your job title?

.....

15) Which type of firm/ organisation do you work in?

- High Street General Practice
- Corporate Law Firm
- Specialist Firm (e.g. employment, immigration)
- Legal Aid Practice
- Magistrates Court
- Law Centre/CAB
- Crown Prosecution Service
- Local Authority
- Other organisation (*Please specify*)

.....

16) Do you classify yourself as in Part-time or Full-time employment?

- Part-time
Full time

17) How long have you been in practice?

- Newly Qualified/ Trainee
2-5 years
6-10 years
11-20 years
20+ years

Thank you for participating in this questionnaire.

Annex. C.

Email to Association of Muslim Lawyers

Dated 24th September 2012

Dear [Name],

I am a postgraduate researcher from the School of Law at the University of Keele, and am currently undertaking a study exploring the experiences of Muslim Women working as solicitors in the Legal Profession, which will eventually form part of a PhD thesis. I am writing to explore the possibility of a meeting between myself and a representative of the organisation to consider ways in which your association might support the project, in participating in assisting with the recruitment of potential participants.

My research aims to produce a greater understanding of the experiences of Muslim women both upon entry and practice within the profession, and their implications within and outside of the workplace. I hope that this work will assist with your own organisational aims in helping facilitate the entry of Muslim Lawyers into the legal profession. The completed research will provide an important and original contribution to the academic literature whilst also carrying the potential to enhance much needed policy discussion of the issues arising. The potential participants will also be helping to raise the profile of Muslim women throughout the legal profession and allowing their voices to be heard. As a representative of Muslim women and advocate of their interests, I hope you can appreciate the value of this study, and will be able to support the further development of the profession.

I am keen to ensure that the findings are disseminated as widely as possible, and therefore would be happy to contribute my initial research findings to the Association and its members potentially through conferences, AML newsletters or the Muslims Lawyer Journal run by the organisation, as well as in the wider legal press.

I would like to arrange a meeting with you if possible, either in person or via telephone to discuss the study further.

Kind Regards,

Diane Atherton

Annex. D.

Interview Schedule

Working life:

- Can you tell me about your career to date?
- What encouraged you to become a solicitor?
- What influenced you in choosing this area of practice? / What influenced you in choosing this firm?
- What do you like most about your job?
- What do you dislike about your job?
- What are your working relationships like with colleagues?
- What are your relationships like outside the firm with other professionals?

Firm Culture:

- How would you describe the culture of your firm?
- What sort of expectations do they have of solicitors to work long hours?
- What sort of opportunities do you get to socialise with other lawyers from inside and outside of your practice?
- How do you feel at these events?
- How frequently are you involved with client social events?
- To what extent do you engage with the local legal community?
- Have you developed any social/ professional relationships with other Muslim lawyers?

Progression:

- Do you feel you are sufficiently rewarded at this firm (both financially and otherwise)?
- Do you feel there are adequate promotional opportunities at this firm?
- What would you like to do in the future?
- How would you go about achieving this?
- Do you feel you have received sufficient support from your firm/ colleagues/ other organisations?
- How confident would you be of reaching partnership level?
- How would you describe the ideal candidate for progression within a law firm?

Identity:

- What does being a lawyer mean to you? / What does being a Muslim lawyer mean to you?

- Do you think this differs from how other lawyers more generally may see themselves?
- If so, what do you think are the reasons for these differences?
- Do you think there is an archetypal solicitor? Could you describe them?
- To what extent do you feel this image is still true today?

Overview of Profession:

- What do you think is positive about being a Muslim woman in today's legal profession?
- What do you see as the key challenges facing ethnic minority/ Muslim women in the legal profession?
- How do you think the increase ethnic minority/ Muslim women practicing are changing the profession?
- What developments would you like to see to further raise the status of Muslim women working within the legal profession?

Family/ Personal relationships:

- How do you experience the balance between professional and personal commitments?
- Do you feel you receive adequate support from your firm in maintaining the balance?
- How do you feel your career has had an impact on your personal/ family relationships and commitments?
- What do you think being a lawyer means to your family and community?

Annex. E.

Recruitment Flyer and Ethical Approval

‘Experiences of Muslim Female Solicitors in the Legal Profession’ Research Project

You have been invited to take part in a research study exploring the experiences of Muslim women working as solicitors within the legal profession. The study is being conducted by Diane Atherton, a Postgraduate Research student and will eventually form part of a PhD thesis.

Participation is completely voluntary and you are under no obligation to take part.

You would be a good fit for the study if:

- You classify yourself as Muslim
- You are a Female
- You are a currently practicing solicitor

What would happen if I took part in the study?

You will be sent a short questionnaire to complete, and you will be given the opportunity to attend a one-to-one interview to discuss your own experiences working in the Legal Profession.

If you do take part in this study, you will be helping raise awareness of Muslim women lawyers in the Profession and their individual experiences, whilst also contributing to wider academic literature.

To take part in this study, or for further information, please contact Diane Atherton at d.l.atherton@keele.ac.uk.

Thank you for your consideration.

RESEARCH AND ENTERPRISE SERVICES

28th September 2012

Diane Atherton
School of Law
Keele University

Dear Diane

Re: 'An exploration of the Role of Structural Constraints in Post-Professional Era, and the experience of marginal actors in the legal profession through a case study of Muslim female lawyers'

Thank you for submitting your revised project for review.

I am pleased to inform you that your project has been approved by the Ethics Review Panel.

The following documents have been reviewed and approved by the panel as follows:

Document	Version	Date
Application Form	Version 2	July 2012
Summary of Proposal	Version 2	23/08/2012
Letter of invitation	Version 1	23/08/2012
Information Sheet/Consent Forms	Version 2	23/08/2012
Questionnaire	Version 2	23/08/2012
Interview Guide	Version 1	23/08/2012

If the fieldwork goes beyond the date stated in your application (28 February 2013), you must notify the Ethical Review Panel via Hannah Reidy.

If there are any other amendments to your study you must submit an 'application to amend study' form to Hannah Reidy. This form is available from Hannah (01782 733588) or via <http://www.keele.ac.uk/researchsupport/researchethics/>

If you have any queries, please do not hesitate to contact Hannah Reidy in writing to

h.reidy@keele.ac.uk

Yours sincerely

Dr Nicky Edelstyn

Chair – Ethical Review Panel

CC RI Manager, Supervisor

RESEARCH AND ENTERPRISE SERVICES

9th April 2013

Diane Atherton
School of Law
Keele University
ST5 5BG

Dear Diane,

Re: 'An exploration of the role of structural constraints in a post professional era, and the experiences of marginal actors in the legal profession through a case study of Muslim female lawyers'

Thank you for submitting your application to amend study for review.

I am pleased to inform you that your application has been approved by the Ethics Review Panel.

If you have any queries, please do not hesitate to contact me via the ERP administrator on uso.erps@keele.ac.uk stating ERP2 in the subject line of the e-mail.

Yours sincerely



Dr Bernadette Bartlam
Chair – Ethical Review Panel

CC RI Manager
 Supervisor