

Be a Sport? Connecting past participation in sport and gender inequality in Australia's largest corporate law firms

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Abstract

Imagine a social phenomenon that had within it the means to redress a major social ill, but on closer inspection it was found that it also helped to perpetuate that social ill.

Long and Spracklen 2011:3

Explaining the persistence of gender inequality in large corporate law firms, by focusing on women's domestic roles, has not produced significant change. I consider this puzzle by studying the under-representation of early-career female lawyers in the pipeline that produces partners in a large Australian corporate law firm. A mixed-methods research design, and a theoretical framework developed by appropriating Pierre Bourdieu's theory and analytical tools, are used to investigate how power transfers between fields: from the hegemonically masculine field of sport as a source of knowledge—to the economic domain of a large corporate law firm as a workplace. I take sport to be a central source for developing transferable soft skills for the workplace. Further, I claim that the gendered experience of sport, in Australia, results in different capacities to acquire and practise such skills, better enabling accelerated career trajectories for early-career male lawyers. Neither gender diversity nor social justice will be achieved by encouraging women to participate in sport on male terms. Instead, I conclude there is greater economic and social value to be gained by changing the decision-making practices, and the valuation of social and cultural capital, within large corporate law firms. Specifically, a lazy or convenient decision-making process, that risks confusing talent with visibility, should be replaced.

Author's Statement

I confirm that this work has not been submitted for a higher degree to any other university or institution. The sources of information I have used, and the work of others that I have used, have been appropriately referenced in this document. I have complied with the terms of the Human Research Ethics Committee approval reference number 5201400978(R).

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Introduction

The persistence of gender¹ inequality in the paid workforce in Australia is an ongoing puzzle. This is because the gender gap in the workforce, whether measured as pay; leadership; or the division of labour, remains—despite decades of access to education, anti-discrimination legislation, workplace change, and widespread acceptance of equality as a right. My thesis addresses this puzzle by investigating a surprisingly overlooked, and yet important, connection between sport² and work—and in particular the transfer of experientially learned soft skills (i.e. informal skills including resilience, teamwork, and networking) from sport as a source of knowledge, to the economic domain of the workplace. Focusing on the largest corporate law firms in Australia, I combine qualitative and quantitative data to examine this connection, to help us better understand how the centrality of sport in social constructions of “hegemonic masculinity”—the idealised benchmark of masculinity against which a culture’s gender relations are constructed and ordered (Connell and Messerschmidt 2005:838)—enables male domination in those law firms.

My research problem examines how gendered differences in sport participation

¹ Gender is taken to be synonymous with the conventional binary sex categories of female and male, and women and men. This conforms to the generally accepted use

² Sport is distinct from games, exercise, and leisure activities. Sport is ‘A human activity capable of achieving a result requiring physical exertion and/or physical skill which, by its nature and organisation, is competitive. Sport includes regularly scheduled team and/or individual head-to-head competition, with defined competitive season(s), and standardised rules with rating/scoring systems ratified by official regulatory agencies and governing bodies’ (ASC 2015 and NCAA 2015).

affect the development and practice of soft skills³ that are transferable to the competitive workplace of a large corporate law firm. The analysis responds to four related research questions:

- i. In what ways is participation in sport, in Australia, gendered?
- ii. How does that gendered participation in sport affect the development of certain soft skills that are transferable to the workplace?
- iii. How does the practice of those transferable soft skills shape the competitive dynamics of the workplace? and
- iv. How does past participation in sport produce gendered differences in the practice of those soft skills in the workplace?

My study differs from most recent research, which considers gender inequality in the paid workforce by “studying down” (Messner 2007:72). Such research focuses on the experiences of working-class women, and aims to empower them by increasing their participation in the workforce, largely by creating flexible workplaces that accommodate women’s conventional domestic roles as wives, mothers, and homemakers (Baird, Whelan, and Page 2009). Other research focuses on closing the gender pay gap for working-class women, especially in traditionally female occupations such as the care sector (Cortis and Meagher 2012).

Without diminishing the social and economic importance of those contributions, the purpose of my thesis is to move beyond that focus—to understand why a critical mass of women in leadership roles in Australia’s largest corporate law firms has not yet been achieved. This is important because the absence of a “tipping

³ Soft skills include accountability, ambition, competitiveness, cooperation, empathy, leadership, networking, resilience, being results-driven, self-confidence, strategic thinking/good decision-making, and teamwork.

point”⁴ of women in leadership positions in corporate Australia makes it less likely that systemic, equality-enabling change in the paid workforce will occur (Australian Human Rights Commission 2013). Without that change, Australia’s economy will not benefit from the “diversity dividend”⁵ that other advanced economies are pursuing. That potential dividend is significant, as large companies in the top quartile for gender diverse leadership are ‘15 per cent more likely to have financial returns that were above their national industry median’ (Hunt, Layton, and Prince 2015:1-3). Hence, by “studying up” and examining an elite profession, my investigation reveals other mechanisms that enable gender ordering in the workplace (Messner 2007:72).

Gender inequality in the paid workforce

Most gender inequality workforce studies focus on one of three aspects: the pay gap between women and men (Cobb-Clark and Tan 2011); the under-representation of women in leadership roles (Piterman 2008); and the division of labour, which identifies gendered occupations and undervalues female-coded work (Austen, Jefferson, and Preston 2013; Huppertz 2012). In each area, there is an adverse gender gap for women. For example, in total remuneration terms,⁶ across all industries, women in Australia earn 24.7% less each year than their male counterparts (WGEA 2014). Further, women’s participation in the management pipeline decreases as it progresses to more senior roles, as illustrated in **Table 1**.

⁴ Piterman (2008:4.1.6) explains that ‘only when internal support reaches a point of critical mass will there be a sustainable shift in organisational culture’.

⁵ Diversity dividend refers to the increased return on equity available from better quality problem solving, enhanced creativity, and improved decision-making, resulting from a diverse leadership group (Skalsky and McCarthy 2009).

⁶ This measure is more appropriate for studying up the gender gap in the paid workforce than the more widely used average weekly full-time equivalent earnings, because employees with university degrees working in corporate Australia typically receive total remuneration packages.

Table 1: Management levels (all industries) and pay gap by gender, 2013-14, %

Level	Women	Men	Pay Gap
CEO	17	83	n/a
Key management personnel	26	74	29
General manager/Executive	28	72	28
Senior manager	32	68	24
Manager	40	60	25

Source: WGEA (2014): n = 4,354 organisations; 3,891,900 employees.

A similar pattern is evident in the legal services sector. It is difficult to generalise, as this sector represents a variety of practice settings (Le Mire and Owens 2014:1037). However, the practice of law is generally regarded as a male-dominated occupation, even though the majority of employees are women (Thornton and Bagust 2007; WGEA 2014a). In fact, in total remuneration terms, women working in legal services earned 36% less in 2013-14 than their male counterparts (WGEA 2014a). Further, women are also under-represented in the management pipeline as it reaches more senior positions, as seen in **Table 2**.

Table 2: Management levels (legal services) and pay gap by gender, 2013-14, %

Level	Women	Men	Pay Gap
CEO	7	93	n/a
Key management personnel	36	64	23
General manager/Executive	29	71	19
Senior manager	41	59	23
Manager	63	37	11

Source: WGEA (2014a): n = 66 organisations; 28,109 employees.

By focusing on a subset of the legal services sector, it has been revealed that women employed in large law firms⁷ experience a 33% pay gap (Mezrani 2014). Further, while women graduates make up about 60% of new lawyers, and have done so for the last decade, they account for just 16% of equity partnerships, and 3% of managing partnerships (Mezrani 2014)—the key leadership positions in the usual organisational structure of large corporate law firms.⁸ This is a puzzle because large corporate law firms have, for some years, outperformed most other corporate organisations by providing paid parental leave and flexible workplaces (Mezrani 2014). Indeed, most of the largest corporate law firms have received Workplace Gender Equality Agency awards (Nelson 2014), notwithstanding their greater-than-average gender gap, and a masculine operating model based on a “billable hours regime” that measures employee performance and drives a family un-friendly ‘hegemonic culture of presenteeism’ (Bagust 2014:190). Concerned at the cost of the consistently high attrition rates among female lawyers, most large law firms are now addressing gender inequality as part of their employee retention strategies (NARS 2014). However, the more progressive firms, including the large corporate law firm participating in this study, are addressing this phenomenon as part of a broader leadership strategy—not

⁷ WGEA (2014) defines these as law firms with over 500 employees.

⁸ Large corporate law firms are a subset, again, of large law firms.

only because it is the right thing to do, but because it will lead to better quality decision-making for the firms, and their clients.

Connecting sport to gender inequality in the legal profession

In the legal profession, the degree of smart is not what typically determines success. It's the soft skills. Smith-Blakely 2014

The originary, childhood experience of sport in Australia is gendered. While 88% of Australians agree that taking part in sport builds character in children (Phillips *et al.* 2007), girls and boys still participate in sport differently. Their participation mostly conforms to stereotypical expectations of masculine and feminine sports (Schmalz and Kerstetter 2006). For example, many more boys participate in sport than girls, and girls participate in other physical activities, such as dancing, in greater numbers than boys (ABS 2012). Further, many more boys play organised team sports, like soccer, outside of school than girls (ABS 2012). By contrast, more girls participate in individual, aesthetically attractive, sports like swimming (Schmalz and Kerstetter 2006:552; ABS 2012). Indeed, one consequence of their gendered sports participation is that girls and boys understand competition differently. As Gilligan says, for girls:

Competition is indirect since one person's success does not necessarily signify another's failure...[While boys] learn to deal with competition in a relatively forthright manner—to play with their enemies and to compete with their friends ...In contrast, girls' play tends to occur in smaller, intimate groups, often the best friend dyad, and in private places. (2003: 9-10; originally published 1982)

It is not surprising, then, that girls and boys learn different soft skills through their participation in sport, or that their gendered experiences of sport continue through to adulthood.⁹

The soft skills, experientially learned through participating in sport, can transfer

⁹ This phenomenon is discussed in Chapter 3.

to other domains, including the workplace (Danish, Forneris, and Wallace 2008:42). Soft skills refer to non-technical skills that are often referred to in sport psychology literature as life skills, and elsewhere as non-cognitive behaviours. Jack and Jack (1989:132) were likely the first to acknowledge a connection between soft skills experientially developed through gendered sports participation and the legal profession as a workplace. They make this connection in their discussion of how care-oriented lawyers (mainly women) in the United States adjust to the emotionally detached, adversarial practice of law. Jack and Jack note:

Parents and coaches regularly tell boys that sports build character, teach respect for the rules, engender a healthy sense of competition, and generally prepare them for life in a depersonalized, adversary society. Mentors might also add that competitive sports supply the first stage of prelaw training. Until recently, relatively few girls got this same message or childhood practice for skills useful in the lawyer game. (1989:132)

Expanding on this insight, I examine how certain soft skills developed through past participation in sport, are practised in a large corporate law firm as a workplace, in ways that contribute to gendered career trajectories. Specifically, I show how those career trajectories favour men from middle-upper-class backgrounds, participating in organised team sport for the purpose of competing.

Addressing this puzzle with insights from Bourdieu's work

My examination draws on three insights taken from Pierre Bourdieu's work, to reveal mechanisms that enable the reproduction of gender order in the workplace. First, I pursue a line of investigation suggested by Bourdieu in *Masculine Domination* (2001), his essay on gender inequality. There, Bourdieu challenged feminists to participate in a "cognitive revolution" by investigating originary experiences, including sport, beyond the domestic sphere—and its gendered division of labour—to reveal their role in perpetuating gender order (Bourdieu 2001:viii, 4, 94). Second, I

apply Bourdieu's central concepts¹⁰ to reveal the processes and practices that enable gendered career trajectories in the workplace. I do this by envisaging the social arena (i.e. workplace) of a large corporate law firm as a *field*, and early-career lawyers employed by the firm as *social agents*, competing for positions of power within that field. Further, the dispositions and skills that early-career lawyers develop through past participation in sport are understood as enhancements to their *social and cultural capital*. Lawyers' *habitus*, their reflexive practice of those skills in the workplace, creates gendered capacities to accumulate such capital, manifesting as *economic capital* via career advancement. Finally, I use Bourdieu's (2013) social theory by conceptualising the puzzle of the persistence of gender inequality in the workforce as the reproduction of power relations. In particular, I show *how* the social construction of masculinity in one field, sport as a source of knowledge, enables male domination of another field, the economic domain of the workplace.

My contribution to understanding this puzzle

My thesis, then, focuses on the under-representation of women in the pipeline that produces candidates for leadership positions in Australia's largest corporate law firms. That gender gap persists in all such firms that for more than a decade have had paid parental leave and flexible workplace practices—to better accommodate women's domestic roles. I contribute to understandings of that phenomenon by investigating beyond explanations focused on domesticity to increase women's workforce participation. This is a reasonable, and necessary, departure from most studies on workplace gender inequality. Educational, legislative, workplace, and cultural changes enabling women to pursue careers while also fulfilling their

¹⁰ I discuss my use of Bourdieu's central concepts in Chapter 1.

conventional domestic roles have not eliminated the gender gap. It is time, therefore, to expand the space for action by revealing some of the other mechanisms preventing women from achieving a critical mass in leadership roles in large Australian corporations.

My research creates knowledge by investigating the contribution that the gendered participation in sport makes to early-career lawyers' career trajectories in a large corporate law firm. It also shows how women and men participate in sport differently, how that participation leads to different accumulation, perception, and practice of soft skills in the workplace, which in turn enables gendered career trajectories. My thesis, therefore, extends the quantitative research of Lleras (2008:900), and Cabane and Clarke (2013:16), which uses data from the United States to demonstrate a significant correlation between childhood participation in sport and improved labour-market outcomes some 10 to 13 years later. Indeed, my study responds to their calls for new research to explain how past participation in sport produces improved and gendered labour-market outcomes (Cabane and Clarke 2013:16).

Organisation of this thesis

This thesis proceeds in the following order. Chapter 1 identifies the research gap addressed by my thesis, by reconstructing the literature on sport, soft skills, and work. It then draws on the concept of hegemonic masculinity to connect the two fields of power that are central to my investigation, sport and large corporate law firms—as workplaces. Next, this chapter explains why a different space for identifying structures contributing to the persistence of gender inequality in the workplace is needed, and I identify the originary experience of sport as such a space. Finally, I

develop a theoretical framework for revealing the mechanisms that enable masculine power to transfer between the two fields, and the critical role that sport plays in that transfer. Chapter 2 explains my strategic decisions to: use a mixed-methods research design; focus on the largest corporate law firms in Australia; and select the particular participant law firm involved in this study. Then, I discuss the choices I made about the data collection methods employed in my fieldwork. Chapters 3 and 4 describe my research findings, and in that process, respond to the four research questions identified in the Introduction (page 7)—to identify some mechanisms that enable gender ordering in the workplace. Chapter 5 applies the theoretical framework developed in Chapter 1, to discuss the gender ordering mechanisms identified in my research, in the context of the research problem—how the centrality of sport in social constructions of hegemonic masculinity enables male domination in large corporate law firms. It then concludes this thesis by: highlighting its significance, acknowledging its limitations, identifying areas for future research, and providing a concluding statement.

Chapter 1: The transfer of masculine power between fields

The research gap addressed by my thesis—the lack of attention to the process of gender ordering enabled by the transfer of soft skills from sport, to the economic domain of the workplace—is identified in this chapter by reconstructing the literature on sport, soft skills, and work. First, I explain the often taken-for-granted view, that the centrality of sport to everyday life in Australia is a personal and public good. Second, challenging that view, I analyse studies by feminist theorists and sociologists, identifying how sport as an institution and an activity creates and perpetuates gender order. Third, I discuss an emerging body of research investigating sport as a source of transferable skills for the workplace. Fourth, I draw on the concept of hegemonic masculinity to connect the two fields of power that are central to my investigation, sport and large corporate law firms—as workplaces. Finally, I identify a space for investigating change beyond domesticity, and develop a framework for researching the mechanisms within that space that contribute to gender ordering.

The centrality of sport in everyday life is not always a good thing

It is generally accepted that sport is a central part of everyday life in Australia. Sport is recognised domestically and internationally as being integral to Australia's and Australians' identity—we are a sporting nation (Rowe 2013). Indeed, it is often taken as self-evident that sport is both a personal and public good. The government reinforces this perception by allocating significant funds to sport. Funding occurs at all levels of government, contributing to the infrastructure, education, and

participation costs of grassroots, community, and elite-level athletes, sports organisations and competitions. This expenditure is justified by the contribution sport makes to the wellbeing of Australians, through improved physical and mental health, social cohesion, and national pride (Frontier Economics 2009). Indeed, over the last five years, the federal government alone has allocated more than \$1.3 billion (\$253.6 million in 2015/16) to the Australian Sports Commission, to increase participation in sport, and to improve the performance of elite-level athletes—who are viewed as positive role models (ASC 2015a:281).

The government also reinforces the centrality of sport in Australia by ensuring the free-to-air broadcast of certain sporting events. By deeming specific events to be of national significance, under the Broadcasting Services Act (1992), the government provides free-to-air commercial and national television networks with preferential access to the broadcasting rights (section 115(1)). Indeed, governments have only ever nominated sporting events as ‘events of national importance or cultural significance’, for this special treatment. Furthermore, consistent with all previous years, the current Broadcasting Services (Events) Notice (No. 1) 2010, overwhelmingly assigns that prestige to male sporting competitions, including rugby league, Australian rules football, rugby union, and cricket.¹¹ This evidences the dominant position that male sporting codes hold in Australia, and creates a perception of men as capable of transferring their sporting success to other fields.

Individuals, including those who do not themselves participate in sport, also acknowledge the importance of sport in their lives. Quantitative research conducted

¹¹ Netball is the only exclusively female sport included in this category, and the preference afforded to it is limited to the finals of the domestic competition, international matches against New Zealand, and World Cup matches, a more restricted coverage than specified for rugby league and Australian rules football.

on behalf of the Australian Football League across the Gold Coast, for example, found that 97% of respondents strongly agreed, or agreed, that ‘sport was an important part of the Australian way of life’ (Zakus, Skinner, and Edwards 2009:990). Further, 96% of the quarter of respondents who said that ‘sport was *not* important to their personal way of life’ also strongly agreed, or agreed, that ‘sport was important to the Australian way of life’ (Zakus, Skinner, and Edwards 2009:990). Individuals also believe that sport is important to family life. Ninety-five per cent of respondents to an Australia-wide survey conducted for Basketball Australia said they ‘would encourage their children to participate in organised sport’ (Zakus, Skinner, and Edwards 2009:993).

Despite its centrality to everyday life, sport’s relationship with ‘broader social, economic and political structures’ is relatively unexplored (Cashman 2010:vii).

Since the 1980s, feminists have understood the important role that sport plays in creating and reinforcing gender order, within and beyond sport. Feminists have highlighted the various disciplinary processes used to claim sport as a male institution. These include emphasising aggression and physicality in defining what constitutes “real sport”; male-dominated boards that control the organisation and funding of sport(s); ignoring, sexualising, and trivialising women’s participation and success in sport; and impeding the commercialisation of women’s sport (Bryson 1987:350). Feminists have also argued that sport is used by other institutions of power, including the education system, national sporting organisations, government agencies, corporations, and the media, to define and stratify masculinities (Graydon

1983:8). Indeed, because sport is such a powerful masculine institution, radical feminists have reasoned that sport is beyond redemption and therefore ‘women should have nothing further to do with such a self-indulgent festival of masculinity’ (Graydon 1983:8). Accordingly, many feminists have directed their attention to other, relatively easier, opportunities for equality-enabling change.

At the same time, however, feminists like Iris Marion Young (1980), have persisted in the study of the relationship between sport and gender. Young (1980:154) argues that women live their bodies simultaneously as object and subject. Women are conditioned, she says, to accept their bodies as weak, ineffectual, and un-empowered—a limitation to be overcome, inhibiting their self-confidence (Young 1980:147, 152). Young identifies girls’ participation in sport as one important source of that conditioning:

Girl play is often more sedentary and enclosing than the play of boys. In school and after school activities girls are not encouraged to engage in sport, in the controlled use of their bodies in achieving well-defined goals. (1980:152)

The resulting ‘modalities of feminine bodily comportment, motility, and spatiality’, evidence the lack of body confidence that prevent most women from embodying the transcending subject instead of immanent object, because they experience their bodies as something that is looked at, and themselves as positioned in space (Young 1980:154). The woman may become complicit in her objectification by taking up ‘her body as a mere thing...She gazes at it in the mirror, worries about how it looks to others’ (Young 1980:153-154). Indeed, Miller and Penz (1991), and Shilling and Bunsell (2009), argue that female body-builders contest such dimensions of femininity by rejecting traditional feminine exercise activities (e.g. aerobics and yoga), designed to ensure that women ‘take up as little space as possible’ (Bartky

1988:66, 73), preferring instead to bulk up by lifting weights (Shilling and Bunsell 2009:144).

Sport became a legitimate site for sociological investigation in the late twentieth century, when research started to focus on understanding the relationship between sport and masculinity. Whitson (1990:19), for example, noted that, ‘theoretically informed studies of the place of sport in the social construction of masculinity remain exceptional and isolated, not forming part of a focused scholarly dialogue’. The seminal work, Messner’s *Power at Play: Sports and the Problem of Masculinity*, exploring the connection between sport and the formation of masculine identity, was published in 1992. Subsequent research identified competitive sport—especially contact team sport—as central to defining acceptable forms of masculinity, ‘while denigrating others’ (Anderson 2009:3-4). Further research revealed sport to be an all-encompassing and self-sustaining masculine institution, extending beyond the players, to include those who train, coach, manage, and represent athletes, and people who promote and report on sport through the media (Anderson 2009:4).

In the twenty-first century, sport’s role beyond its relationship to physical and mental health has become more visible. The Senate Inquiry (2006) *About Time! Women in Sport and Recreation in Australia* investigated the causes and consequences of women’s lower (than men’s) participation rates in sport and physical activity. The significance of that research was its promotion of the benefits of greater public investment in women’s sports participation. Responses concentrated on the health benefits from a more physically active female population, the need for more women to become involved in leading sporting organisations, and the improved social cohesion, especially across age groups and cultures, that comes from the uniting properties of sport (Senate Inquiry 2006:5-13, 89-90).

More recently, Australian sociologists have focused on the value of sport to the formation of social capital. Nicholson, Brown, and Hoye (2013) have undertaken quantitative research into social cohesion, measured as higher social capital outcomes developed through participation in sporting organisations in Australia. Also, Rowe (2013:10) is currently investigating the ‘meaning and practice of sport in relation to cultural citizenship in Australia’, to understand the implications for national identity arising from an increasingly demographically and culturally diverse population. While these studies accept the importance of sport for developing social capital, they leave open the importance of sport as a source of knowledge for accumulating capital that is valuable in broader economic and political structures.

Still, there are studies suggesting that sport *could* have a broader impact, and I turn to these now.

Sport developing transferable skills for the workplace

Recent research, extending Janet Lever’s (1978) *Sex Differences in the Complexity of Children’s Play and Games*, considers whether participating in sport can develop soft skills transferable to other settings (Holt *et al.* 2008; Forneris, Camiré, and Trudel 2012; and Holt *et al.* 2012). Generally, that research supports the view that simply participating in sport is insufficient to develop transferable soft skills as they ‘must be specifically targeted and taught in environments that are conducive for doing so’ (Gould and Carson 2008:63). Indeed, like physical skills, transferable soft skills are taught through structured programs requiring ‘supportive coaches, clear rules and responsibilities, and positive social norms’ to be effective (Gould and Carson 2008:63). Further, soft skills are learned experientially, via ‘demonstration, modelling

and practice’ (Danish and Hale 1981, cited in Gould and Carson 2008:60).

Additionally, the process of skills development is affected by external factors including socio-economic status and parenting (Gould and Carson 2008:64). How a person participates in sport, and how the sports program is designed and implemented, are therefore critical to the successful development of soft skills transferable to the workplace (Holt *et al.* 2008:298). Indeed, participating in sport without supportive structures and environments can cause harm—for example, by promoting a drinking culture and aggressive behaviour (Holt *et al.* 2008:283).

Critically, for my study, there is an emerging body of research connecting participation in sport with improved labour-market outcomes for participants. Quantitative research has established a correlation (but not causation) between participation in sport and improved labour-market outcomes—measured as higher wages and/or increased job autonomy. That research distinguishes between cognitive skills (hard skills or abilities), and non-cognitive skills (soft skills such as work ethic and cooperation). Of particular note is the analysis of data collected in the United States between 1990 and 2000. Unlike studies based on earlier data, it demonstrates that, even after controlling for educational attainment, students participating in sport were ‘significantly more likely to have higher earnings’ (Lleras 2008:900). That new finding is attributed to the change in the American economy from industrial to service-based (Lleras 2008:901). Further, the study suggests that non-cognitive behaviours are perhaps more important than cognitive abilities ‘in predicting individual educational and occupational success’ (Lleras 2008:899). Finally, the study calls for future research to investigate *how* non-cognitive behaviours influence employment outcomes (Lleras 2008:901).

Addressing a limitation in Lleras's study, Cabane and Clark (2013) also base their quantitative research on American data, collected between 1994 and 2008. Their research supports a correlation between non-cognitive skills acquired through childhood sports participation and improved adult labour-market outcomes, measured as managerial responsibilities and autonomous decision-making in one's job—'reported by the same individuals at work 13 years later' (Cabane and Clarke 2013:16). Additionally, they find it possible that employers 'do not value or expect the same skills for men and women', and that sport might have a positive signalling effect about non-cognitive skills and produce more useful networks (Cabane and Clarke 2013:16).

There is also a growing body of quantitative research (beyond the United States) establishing a positive correlation between participation in sport and improved labour-market outcomes—for example: Germany (Lechner 2009), Canada (Lechner and Sari 2015), and England (Lechner and Downward 2014), but not Australia. Lechner and Downward's (2014) unpublished study, based on English data, is especially interesting as it investigates the correlation by type of sport as well as gender. Indeed, they find 'large positive associations of sport participation with earnings', with team sports being of particular importance (Lechner and Downward 2014:44). Because teamwork produces a positive labour-market outcome, older women might need to acquire that skill (Lechner and Downward 2014:44).

All of these studies, however, call for additional, and different types of research, to better understand the connection between participation in sport, soft skills, and work. Therefore, research explaining *how* soft skills, developed through past participation in sport, produce improved labour-market outcomes for participants

is needed. This research is especially important to Australia as it transitions to a knowledge-based economy.

Hegemonic masculinity connects two fields of power

This study focuses on the potential transfer of social and cultural capital from the field of sport, to the economic domain of large corporate law firms—as workplaces. Both fields are characterised by hegemonic masculinity, although they idealise different types of masculinity that are potentially transferable. Sport is a central site for ‘the social production of masculinity’, and a masculine institution ‘that confirms patterns of male privilege and female subordination...that exist outside of sport’ (Whitson 1990:20). Burgess, Edwards, and Skinner (2003) confirm this finding in their application of the concept of hegemonic masculinity to school sport. Their analysis is based on the ‘most revered’ of teenage boys, the first fifteen on the rugby union team, at an elite Australian private school (Burgess, Edwards, and Skinner 2003:203). Masculine authenticity, they argue, was constructed and validated through sporting achievement. The first fifteen became the benchmark against which other students were measured; they were celebrated as heroes for their physicality, aggression, competitiveness, and for “never-giving-in” (Burgess, Edwards, and Skinner 2003:203). Further—such is the power of sport—female and male students who did not themselves participate in sports had their identities defined by its absence (Burgess, Edwards, and Skinner 2003:208).

One hypothesis that emerges from this analysis is that sport shapes the form and basis of competition for later career opportunities, including (I shall claim) within large corporate law firms. Sport idealises an adversarial form of competition that favours early-career lawyers with soft skills that have been developed, in particular,

in the competitive environment provided by organised team sports. I test this claim through research question iii (page 7), which examines how sport shapes the competitive environment of the workplace. However, I also extend this claim by examining the skills transferred from sport to the workplace in the context of reproducing power relations—or gender order.

The concept of hegemonic masculinity has been applied to the legal profession. Margaret Thornton (1996), in *Dissonance and Distrust*, her seminal study of women in the Australian legal profession, qualitatively investigates the practices that continue to construct female lawyers relative to “benchmark man”, the normative standard against whom all Others in the profession are measured (1996:2). Of particular interest is that this benchmark man not only defines¹² the business model and rules for success, he also maintains his fraternal power through practices which include the ‘bonding and camaraderie...effected through informal sporting activities’ which either exclude women’s participation, or expect women to accept ‘conventional, sexualised roles’ in sporting settings (Thornton 1996:169). In more recent research, Thornton (2004:5) argues that, despite the increasing numbers of women entering the profession:

Benchmark masculinity itself has not been tractable to change. The legal professional culture has constructed its own image of the ideal lawyer who accepts the long-hours culture, has an uninterrupted career pattern and is accepting of the ‘boys’ club’ mentality—drinking, lunching, sport and joke telling.

Currently, Thornton (2014) and Collier (2013 and 2015) identify that a re-negotiation of hegemonic masculinity in large corporate law firms is taking place. Hyper-

¹² Acker (1990:145-150) explains more generally that organisation structures, jobs, job evaluation processes, and workers are constructed from the masculine perspective, a ‘universal individual who in actual social reality is a man’.

competitiveness, arising from the internationalisation of such firms (and their clients) is being idealised, while engaged parenting, through flexible family-friendly workplaces, is being subordinated to that masculine construction. The connection between sport and social capital, and between sport, competitiveness, and identity, to the maintenance of benchmark man's dominance in the legal profession is therefore central for this study.

Existing research, then, explains that soft skills *can* connect sport and work, and that hegemonic masculinity *can* connect sport and large corporate law firms. Joining these insights into a single investigation, my study extends this work by qualitatively and quantitatively investigating *how* past participation in sport enables not only improved labour-market outcomes for men, but also the reproduction of gender order, in large corporate law firms.

Identifying a space for change beyond the domestic sphere

My own experience in the paid workforce, in the late twentieth and early twenty-first centuries, involved significant amounts of time engaging, as a client, with large corporate law firms, investment banks, and management consultants, in Australia and elsewhere. It was obvious to me that there was a gendered division of labour in those firms, where male partners—they were almost always male—focused on winning business and managing client relationships, while (mostly) women were responsible for managing workflow and files, ensuring that client information needs and timetables were satisfied. This division of labour has been examined, in the context of the Australian legal profession, since the 1990s (see Hutchinson 2005 for a literature review, and NSW Law Society 2011, NARS 2014). However, their focus on changing the workplace to accommodate domesticity is directed at retaining women

in the legal profession. This “trickle-up” strategy has not produced significant change in the representation of women in leadership positions in large corporate law firms—with less than 16% holding equity partnerships in those businesses (Mezrani 2014). Instead, I identify a different space for examining the division of labour, by turning to insights in, and critiques of, Pierre Bourdieu’s (2001) *Masculine Domination*, where Bourdieu draws on his social theory to discuss the permanence of gender order.

Consistent with many feminists, including myself, Bourdieu believes that gender, and gender difference, are social constructions that sustain gender order because they are disguised as natural phenomena (Bourdieu 2001:8-23). Rejecting the social significance of anatomical differences, Bourdieu (2001:4) encourages feminists to look beyond the domestic sphere—to identify other structures that contribute to the persistence of masculine domination. However, his essay is criticised by some feminist theorists for its pessimistic outlook towards the possibility of change and capacity for individual agency (Adkins 2003; Chambers 2005; Kraus 2006; Thorpe 2009). Additionally, social theorists including Charles Taylor and Axel Honneth (see discussions in Basaure 2011, McNay 2008, and Pallandini-Simányi 2014) have criticised Bourdieu’s social theory generally, for over-estimating ‘the accommodation of individuals to social structures’ (McNay 2008:11).

Bourdieu contests these criticisms as largely superficial, claiming they ignore the three aspects of his theory that allow for change: there are dispositions to resist; habitus is durable but not eternal; and fields are—by definition—arenas for change (Bourdieu and Wacquant 1992:79-81, 133). Critics also ignore, Bourdieu argues, the three limited situations in which agency might be witnessed: where there are regulated liberties; in rare times of crises; and where there is a mismatch between field and habitus (discussed in turn by Chambers 2005:339-340, Bourdieu and

Wacquant 1992:131, and Thorpe 2009:503). Nevertheless, Bourdieu promotes structural change through collective action as the most effective way of achieving gender equality (Bourdieu 2001:viii-ix). He encourages feminists to look beyond the domestic sphere (Bourdieu 2001:4, 94), to identify and change the originary experiences (including sport) that fashion habitus—creating a greater space for equality-enabling change than focusing on domesticity alone.

I take up Bourdieu's challenge by claiming that the originary experience of sport contributes to the reproduction of masculine domination in large corporate law firms—as workplaces. I turn to develop a theoretical framework to investigate my claim.

Revealing the mechanisms that reproduce gender order in the workplace: A theoretical framework

I could paraphrase Kant and say that research without theory is blind, and theory without research is empty.

Pierre Bourdieu, quoted in Bourdieu and Wacquant 1992:162

To investigate my claims further, I employ Bourdieu's (2013) theory, which was developed to focus on a broader but similar problem—revealing the structures that enable the reproduction of social power. I also learn from and redeploy Bourdieu's analytical tools (Moi 1991:1017), which work together to allow me to examine relationally, via fieldwork, *how* early-career lawyers use the soft skills developed through participation in sport, to compete with each other—in ways that create and reproduce gendered career trajectories.

Field, capital, habitus, and power in large law firms as workplaces

My study, then, focuses on the practices developed through past participation in sport that early-career lawyers use to compete with each other for opportunities to improve their relative field positions—career trajectories. Those practices are revealed by relational thinking, which is informed by Bourdieu’s interconnected concepts of field, habitus, and capital. Indeed, as Bourdieu explains:

The visible changes that have affected the condition of women mask the permanence of the invisible structures, which can only be brought to light by relational thinking capable of *making the connection between the domestic economy, and therefore the division of labour and powers which characterises it, and the various sectors of the labour market (the fields) in which men and women are involved*. (2001:106, original emphasis)

*A law firm is a field.*¹³ I envisage a large corporate law firm, in its capacity as a workplace, as a field—using it as an example of the nine largest corporate law firms in Australia. The workplace is a social arena with its own rules and regularities in which lawyers, as social agents, compete with each other¹⁴—through their practice of law and their soft skills—to accumulate the right mix and types of capital, to access career-advancing opportunities.

A sports network is social capital. A network results from the practice of a soft skill—networking. I take networks, established through sports participation and/or sports connections, to be social capital. Social capital refers to the ‘actual or potential

¹³ For the purposes of this study I envisage a law firm as a field. However, it is acknowledged that a law firm is a sub-field within the broader ‘juridical field’ (Bourdieu 1987:816-817, Bourdieu and Wacquant 1992:104).

¹⁴ Early-career lawyers are encouraged to compete with each other, for the few promotion opportunities that exist in the organisation structure of large corporate law firms. In this sense, lawyers have an “interest” in that they engage in the pursuit and accumulation of capital valued by the field—Bourdieu refers to this interest as *illusio* (Bourdieu and Wacquant 1992:117).

resources that are linked to the possession of a durable network' of relationships, that can be leveraged for real or symbolic advantage (Bourdieu 1986:102-103).

Soft skills are embodied cultural capital. I consider soft skills, experientially developed through past participation in sport, to be an embodied form of cultural capital, and hence, part of a person's habitus (Huppatz 2012:11). Indeed, embodied cultural capital can be the result of time invested by the possessor in self-improvement activities, including participation in sport (Bourdieu 1986:98-99), or can 'be possessed without being deliberately cultivated (by virtue of socialisation etc.)' (Huppatz 2012:11). Further, as embodied cultural capital often masquerades as 'legitimate competence, as authority exerting an effect', it has the best chance, of all types of capital, of being converted into the most desirable category, symbolic capital (Bourdieu 1986:100).

Sport fashions habitus. I take the originary experience of sport to be a central site for constructing habitus in early-career lawyers. How such lawyers are disposed to practise their soft skills in the workplace is driven, although not determined, by habitus. Habitus is the embodied 'system of lasting, transposable dispositions which, integrating past experiences, functions at every moment as a *matrix of perceptions, appreciations, and actions*' (Bourdieu 2013:82-83, original emphasis), generating reasonable, but not reasoned practices in a social arena (Jenkins 2002:78).

Capital acquires power. While it is through their relative capacity to accumulate capital that early-career lawyers improve their field position, it is their eventual ability to convert that accumulated capital into symbolic capital that enables them not only to become partners in the firm, but also to become members of the leadership group selected from the entire partnership. In that elevated position, lawyers, as social

agents, are able to regulate the field, influencing habitus—to enable the reproduction of, or changes to, the gender ordering processes operating in the field.

Chapter 2: Researching how masculine power transfers between fields

We must try, in every case, to mobilize all the techniques that are relevant and practically usable, given the definition of the object and the practical conditions of data collection.

Pierre Bourdieu, quoted in Bourdieu and Wacquant 1992:227

Quantitative research alone has been unable to explain *how* participation in sport contributes to improved labour-market outcomes for participants—my research methodology addresses this limitation. In this chapter I will discuss my strategic decisions for this empirical investigation and explain my rationale for using a mixed-methods research design; focusing on large corporate law firms; and selecting the particular participant law firm involved in this study. This is followed by a discussion of my decisions about research methods and the analysis of data collected through my fieldwork.

Research design

My research is designed as an explanatory sequential mixed-methods study (Creswell 2014:15-16). This design facilitates the gathering and application of complementary data that can inform each subsequent stage of my fieldwork. It also allows data to be combined during analysis, providing a deeper and more complete response to the research questions posed by my study, than either qualitative or quantitative methods could do alone. As such, the design allows me to investigate not only: in *what* ways participation in sport is gendered, and the labour-market consequences of that phenomenon; but also *how* such gendered participation in sport affects the development of soft skills transferred to the workplace, and *how* those skills are

practised for (gendered) career advantage. Therefore, this design also allows my study to extend the solely quantitative research by Lleras (2008), Lechner (2009), Cabane and Clarke (2013), Lechner and Downward (2014), and Lechner and Sari (2015)—which all call for future research to provide a deeper understanding of *how* participation in sport contributes to improved labour-market outcomes for participants.

I will now discuss the sequence that my research followed. Initially I used quantitative research methods, including data produced by the Australian Bureau of Statistics (ABS 2012), and the AuSSA (2007) samples, to uncover some ways in which participation in sport is gendered, for both children and adults. I then used qualitative methods, document analysis, and expert interviews to investigate how those gendered differences affect the development of soft skills transferable to large corporate law firm workplaces. This was followed by further qualitative fieldwork, face-to-face interviews with employees of a large corporate law firm. A human resources representative provided a detailed understanding of the rules and regularities of the workplace as a field. Then early-career lawyers discussed¹⁵ their experience (or not) with sport, and how they use their social capital (networks) and their embodied cultural capital (soft skills) to improve career opportunities—to advance their own “field position”. Finally, I designed and conducted a survey of final-year law students to understand the relative importance these emerging lawyers place on their originary experience of sport as a source of important transferable soft skills for the workplace; learn how participants use their experience of sport to get a

¹⁵ An ethnographic study would have provided me with an opportunity to observe, firsthand, how lawyers practise their transferable soft skills in the workplace. However, that approach was not practical given the time and access constraints for this masters-level thesis.

job in the legal profession; reveal field-specific differences in perceptions (between university students and early-career lawyers) of the value of sport as an originary source of transferable soft skills; and to further examine areas of interest emerging from my qualitative analysis of the interviews.

Why large corporate law firms?

No area of the business world is more illogically gender imbalanced than law firms. Every year, top law firms recruit 60% female and 40% male law graduates into their practices. Within two years, their female majorities begin to leave. The percentage of female equity partners is now 17% in the top 100 US law firms.

Wittenberg-Cox 2014

There are three reasons why I decided to focus on large corporate law firms for this study. First, they exercise significant influence within the legal profession and beyond. That influence flows from their large earnings—in 2012 the largest 35 firms in Australia were estimated to have revenues of over \$5.7 billion (Woodhead 2012)—and from their powerful corporate client bases (Thornton and Bagust 2007:776). Indeed, some law firms are under pressure from powerful clients (e.g. Microsoft) to provide a more diverse workforce (Li 2015). In Australia, the Law Council's Large Law Firm Group (LLFG) is made up of the nine largest multi-jurisdictional corporate law firms. During the twenty-first century, these firms have participated in the internationalisation of the legal services sector. Australian, European, and North American firms consolidated through mergers and acquisitions, commercialising service delivery and reducing the number of market participants. While their business models and practice settings are very similar, members of the LLFG are at different stages in their change programs, transitioning from a pure partnership model to a

more corporate method of operation (interview subject Prom¹⁶). While this has implications for the generalisability of my research, it also indicates the potential for instability in the field—making change more likely.

Second, the LLFG are extremely competitive businesses—which are likely to attract people who enjoy competing, including people who compete through sport. Firms not only compete for clients, they compete for talent—the best lawyers and the highest-achieving law graduates—for revenue and reputational reasons. Additionally, the firms are all structured hierarchically, to ensure an internally competitive environment where early-career lawyers are encouraged to pursue the relatively few equity partnership positions at the top of the structure. However, the competition begins much earlier, when high-achieving law students, in their penultimate year of university, vie for a few paid internships known as summer clerk positions. Winning those few jobs provides graduates with preferred access to the very competitive graduate in-take process—where about 1,500 law graduates, with distinction-or-better overall grades, apply for the 200-250 graduate positions available in the LLFG each year (Prom).

Third, as workplaces, large corporate law firms have been reluctant to promote women into partnership positions. Indeed, less than 16% of equity partners are women (Mezrani 2014). The LLFG, along with other members of the Law Council of Australia, participated in the National Attrition and Re-engagement Strategy research initiative (NARS 2014). That mixed methods study investigated the industry-wide concern about the disproportionately high number of female lawyers exiting the profession. While NARS is intended to (re)create momentum for change in the legal profession, it focuses on strategies to retain women lawyers, particularly

¹⁶ Prom is introduced on page 37.

by accommodating their domestic roles. My study therefore extends that project, by identifying other mechanisms that perpetuate the gendered division of labour in large corporate law firms.

Selecting the participant law firm

I selected the participant law firm (“Firm”), a member of the LLFG, for several reasons. It has access to the resources needed to achieve a gender-equal workplace, and is committed to achieving that goal as both an economic imperative, and a matter of social justice. Indeed, it has set and published worldwide targets for appointing female partners, and female members to its leadership group. The Firm has progressed, in a number of ways, from the model described in *The Gender Trap: Flexible Work in Corporate Legal Practice* (Thornton and Bagust 2007). It has gender-equal interview panels (and a challenge process) for all appointments and promotions, part-time female and male lawyers have been promoted to equity partnerships, promotion candidates must demonstrate a capacity to lead a balanced life,¹⁷ and a pathway allowing for a “break from the partnership race”, via an Executive Counsel role, has been established. Further, the retention strategies that focus on changing the workplace to accommodate women’s domestic roles have been in place for a number of years and are now normalised. They include paid maternity leave; gender-neutral policies for job sharing; telecommuting; paid leave for primary and secondary carers; purchased and unpaid leave arrangements; subsidised childcare; and internal support networks for parents.

¹⁷ The early-career lawyers interviewed discussed the importance of a work-life balance. Indeed female and male lawyers explained that “presenteeism” indicates an inability to achieve such balance.

Significantly, and notwithstanding its workplace achievements, the Firm has been unable to eliminate its gender gap in two specific areas relevant to the scope¹⁸ of my study: progressing women through to partnership level (only 22% of equity partners are women); and identifying young women lawyers as “superstars” (only 25% of high talent early-career lawyers are women)—despite having recruited 60% female and 40% male graduates for many years (interview subject Hillary¹⁹). The Firm is therefore determined to move beyond the retention strategies of NARS (2014), by implementing a leadership diversity strategy that envisages a gender-diverse partnership and leadership team. The Firm’s sustained efforts to enable lawyers to perform their dual roles (domestic and work) have not produced the desired change. Accordingly, there is a need for research to identify additional areas for action.

Qualitative fieldwork

The qualitative phase of my fieldwork involved three data collection methods: documents, expert interviews, and law firm interviews. They are discussed in turn.

i. *Documents*

To identify the soft skills required to get a job with a large corporate law firm, I analysed the graduate recruitment information available from the web sites of all nine members of the LLFG. I also examined the toolkits that the Firm provides to its early-career lawyers, setting out the soft skills that must be demonstrated at work before they will be considered for promotion. I performed a comparative analysis relating those soft skills, to ones developed

¹⁸ While the Firm acknowledges that it has a gender pay gap (and I have confirmed this using the WGEA 2014a database), investigating that gap was outside the scope of my study.

¹⁹ Hillary is introduced on page 38.

through sports participation as described in *True Sport: What We Stand to Lose in Our Obsession to Win*²⁰ (USADA 2012) (Technical Appendix TA1).

The relevance of my comparative analysis to the Australian environment was confirmed during expert interviews.

ii. ***Expert interviews***

Two loosely structured expert interviews were conducted, one with an experienced sports coach (“Coach”), and the other with a partner in a large corporate law firm (“Prom”).²¹ Coach is an experienced basketball coach, a physical education teacher at a private girls’ high school in Sydney, and the head of a sports academy at a prominent university. She was selected because basketball is a popular team sport, with large and increasing participation rates amongst females and males. Coach has experience in coaching females and males, of all ages, and at all levels—from beginners through to the elite national level. Accordingly, Coach was able to explain the development, and transferability, of soft skills through participation in sport, and identify gendered differences in sports participation. Prom has been the managing partner in a large corporate law firm. He provided an understanding of the soft skills valued by large corporate law firms, how those firms operate as workplaces, and how generalisable research on one member of the LLFG might be to other large firms in the legal services sector. Both interviews were guided by, but not confined to, an interview schedule, and transcribed.

²⁰ Incorporating findings from the 2010 survey report, *What Sport Means in America: A Study of Sport’s Role in Society* (USADA 2011), *True Sport* is a literature review that seeks to de-emphasise the winning-at-all-costs sports culture in the United States, by re-emphasising other skills developed through participation in sport.

²¹ Prom’s firm is different to the one participating in this study.

iii. ***Law firm interviews—Human resources***

Two semi-structured interviews were conducted with a Human Resources representative of the Firm, “Hillary”. Hillary has been employed by the Firm for a number of years, with particular responsibilities to design and oversee its change program, and is involved in the Firm’s recruiting, hiring, and promotion processes. The purpose of the first interview with Hillary was to understand the Firm as a field (its rules and regularities: the gender gap; its culture, policies, and practices), and the gender differences she observes in how early-career lawyers “practise” soft skills in the workplace. The second interview was to fact-check, to get Hillary’s perspective on some matters raised during in-depth interviews, and to update the earlier interview following the most recent round of appointments and promotions. The interviews lasted for between one and two hours, interview guides were used, and both interviews were transcribed.

Law firm interviews—Early-Career and experienced lawyers

These interviews are central to my study, and to better understanding how early-career lawyers’ social capital and cultural capital, developed through participating (or not) in sport, helps them to advance their careers in the Firm. Responding to criteria provided by me, Hillary arranged for a mix of lawyers to be available, on a voluntary basis, for interviews. Semi-structured interviews were conducted with eight lawyers, five early-career lawyers, whose job titles are “Solicitor”, and three more experienced lawyers, known as “Senior Associates”. Interviewees were asked to self-identify as either: an organised team sport participant; an organised individual sport participant; or

a non-sport participant, and I confirmed their interpretation during interviews. Although all participants had played several sports, their self-identification was made on their level of engagement with sport over their lifetime. I asked to interview one male and one female Solicitor, for each category of sport participation, and one Senior Associate (either male or female) for each category of sport participation, who also had experience as a buddy, mentor, or recruiting ambassador for the Firm. Senior Associates were able to talk about their own experiences as well as those of the people they manage, and non-sports participants provided contrasting insights to those of their peers. I chose not to interview partners of the Firm because they are removed from the day-to-day practices of early-career lawyers, and I felt that personal recollections of their own early-career practices might have faded.

I set the following additional criteria to ensure that: Solicitors and Senior Associates had a similar level of experience and development training in the Firm; regional differences, especially between Sydney and Melbourne, were avoided (this was highlighted by Prom as being important to social capital²²); and participants had a common appreciation of the centrality of sport to Australian life. All participants, therefore, achieved their higher school certificates by completing at least years 11 and 12 at an Australian high school; all undertook their law degrees at an Australian university; everyone worked in the Firm's Sydney office; and the Solicitors were all from the same graduate in-take year, or the immediately preceding year. Of particular note was the inability of the Firm to find a male Solicitor who

²² In Prom's experience, a lot of networking in Melbourne revolves around AFL Club membership.

identified as a *non-sport participant*, even when the search was expanded to east-coast Australia. It is also noteworthy that the two non-sports participants were women, from non-English-speaking backgrounds. While beyond the scope of this masters-level thesis, further research is needed into the possible “double bind” of gender and ethnicity in understanding this research problem. Additionally, and consistent with an elite legal firm, it should be noted that all interviewees attended private or selective government high schools, even though this was not part of my criteria nor is it part of the Firm’s recruiting strategy. However, this could impact interviewees’ perceptions and experiences of sport, and their soft skill development. A summary of the interview participants’ characteristics is attached (Technical Appendix TA2).

Each interview lasted for one hour, was audio-recorded and transcribed, and was guided by, but not confined to, an interview schedule (Appendix 1). Given the time constraint, a list of twelve soft skills, identified through document analysis, and confirmed during expert interviews, was presented to each participant. They were asked to comment on the list generally, and to identify the five most important soft skills for career success at the Firm. Each interview focused on the five important skills selected. Participants were asked to discuss: *whether* and *how* their experience (or not) of sport contributed to their development of the skills, and to their practice of those skills in the workplace; whether they were aware of differences in *how* male and female lawyers, and sport and non-sport participants, practised the skills; and *how* they use those skills to promote their personal brand in the Firm. The interviews were coded to allow me to perform a comparative analysis, between males and females and categories of sport participation.

Areas of interest emerging from that comparative analysis were examined using quantitative data.

Quantitative fieldwork

I used two quantitative datasources in this study: AuSSA (2007), a national database, and LAWSTU, a database developed by myself. I discuss each in turn:

- i. **AuSSA** refers to the Australian Survey of Social Attitudes; a survey conducted every second year. It ‘provides authoritative data on the social attitudes and behaviours of Australians’ (ANU 2015).²³ Analysis of AuSSA allowed me to identify gender differences in the ways that Australian adults participate in sport. Further, focusing on a subset sample, I performed association analysis to examine relationships between: gender; income; and types of, and reasons for, participation in sport.

My study focuses on responses to AuSSA’s 2007 B Questionnaire (Phillips *et al.* 2007), which enquired about Australians’ attitudes to, and participation in, sport. The overall sample was $n = 2,769$ (referred to as the overall AuSSA sample). Two samples were used from this study, an overall sample that is representative of Australian adults’ participation in sport; and a subset sample to reflect the characteristics of early-career lawyers that are the focus of my study. Hence, the subset sample selected responses for university-educated adults aged between 18 and 40 years old, who identified their occupation as “managers” or “professionals” in the survey ($n = 516$). This

²³ AuSSA is managed by the Australian Consortium for Social and Political Research Incorporated. The survey itself is conducted by mail, and gathers opinions from a randomly selected representative sample of Australian adults.

likely provides more generalisable insights than using the responses for only those who identified as “lawyers” (where $n = 33$).

- ii. **LAWSTU** is also central to my study. It is a dataset compiled from the results of a survey I designed and distributed to final-year law students at a major university in Sydney (Appendix 2). It investigates their experience of sport, and the relative importance students place on various sources for developing soft skills necessary for gaining a good job in law. It also examines *how* this cohort of emerging lawyers use their participation in sport for gaining a job in the legal profession, and *whether* they have the same appreciation for the value of their social capital and cultural capital, developed through past participation in sport, as the early-career lawyers interviewed for this study.

Finally, the survey explores other areas of interest that emerged from my qualitative research. For example, *personality* emerged through interviews as one possible counterfactual explanation (to gender) for differences in sports participation and career choices. I included in the survey a short-form personality test, designed by Gosling, Rentfrow, and Swann (2003). It focuses on the Big 5 personality traits (extraversion, agreeableness, conscientiousness, openness, and emotional stability), and is appropriate for exploring personality as a counterfactual explanation (Rammstedt and John 2007). For reasons of space, I have appended the results (Technical Appendix TA3). Their inclusion does not lead me to reject the claim that gendered experiences of sport contribute to inequality in the workplace.

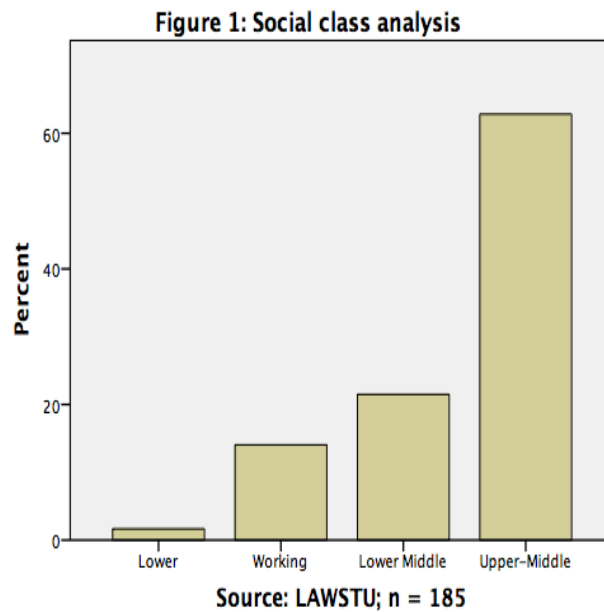
LAWSTU ($n = 188$) contains responses from a survey of final-year law students attending a voluntary seminar—designed to prepare them for an assessment. All students were invited to complete the questionnaire, and the

first twenty minutes of the seminar were dedicated to that task, a sufficient amount of time to allow them to complete the survey thoughtfully. My decision to use a personally distributed, paper-based, survey considered advice from the University's Learning and Development Centre, and the course convener—specifically, that it would result in a significantly higher response rate than an electronic survey dispatched to a random sample of final-year law students. Indeed, they felt it might be difficult to get a sufficient response rate, via an electronic survey, to constitute a representative random sample. All 190 students received the questionnaire, and 188 were substantially completed.²⁴ This amounts to 72% of the University's total final-year law class population of 262 students. The gender composition of the sample is 60% female, compared to 62% female for the overall law class population. Although LAWSTU can be reasonably described as a representative but not random sample of the population (Gelman 2012),²⁵ it does not satisfy the conditions of statistical inference. Nevertheless, its use to identify and compare relationships is appropriate for my study.

It should be noted that LAWSTU has a large cohort of respondents, some 73%, who are from an English-only speaking background. Additionally, as can be seen from the following **Figure 1**, most respondents identify with having a middle-upper-class background.

²⁴ The survey was designed in Qualtrics, responses were manually entered and then downloaded into SPSS. Manual counts of responses were used to check the accuracy of data entry.

²⁵ It should be noted that, 'Statistics does not require randomness. The three essential elements of statistics are measurement, comparison, and variation. Randomness is one way to supply variation, and one way to model variation, but it's not necessary' (Gelman 2012).



This demographic profile supports descriptions of the legal profession as elite, a characteristic explored later in this thesis.

Statistical techniques

The main techniques used to analyse the quantitative data were frequencies, and chi-square tests (to assess independence between responses), while Z-tests²⁶ were used to compare the proportions of responses between sets of variables. Two association techniques—Gamma and Spearman’s Rho—were used to measure the direction and strength of association between two sets of variables.²⁷ The interpretation scale used is included in the Technical Appendix (TA4). Both of these techniques are appropriate for examining ranked ordinal variables. However, it was more appropriate to use Spearman’s Rho where the ranked dimensions of the variables being examined exceeded 4×4 (Göktaş and İşçi 2011). Particularly because Spearman’s Rho provides a better indication of the strength of association as the

²⁶ Z-tests were performed using a web-based social science calculator (socscistatistics 2015).

²⁷ SPSS was used to perform all other calculations and analysis.

variable dimensions increase: ‘for Table dimension 3×3 and 4×4 Gamma ordinal measure of association presents [a] closer estimate of the degree of association which is expected to be 0.5 in comparison with the other ordinal measures’ (Göktaş and İşçi 2011:35). This bivariate analysis is considered appropriate for a masters-level thesis. The statistics show associations, rather than causation, between variables of interest to my study. I acknowledge that multivariate regression modelling would extend this analysis.

Chapter 3: Revealing how masculine power transfers from sport to the workplace (quantitative findings)

The focus of this mixed-methods investigation is to reveal mechanisms through which masculine power transfers between fields—from sport to the workplace—and to show *how* the gendered experience of sport enables “gender ordering” in the Firm. My research findings are presented in two parts, broadly dividing them between quantitative and qualitative data, but combining types of data where appropriate, to add depth to my analysis. In this chapter, I identify how participation in sport is gendered in three ways: *what* type of sport is played; *how* people engage with sport; and *why* people play certain types of sport. This applies for children, adults (generally) and to final-year law students specifically. The connection between gender and law, as an elite profession, is also examined by further investigating differences in sports participation by social class. Finally I identify gendered differences (including by social class) in the importance placed on the originary experience of sport for job success in the legal profession.

Gendered childhood experiences of sport continue to adulthood

I start at the beginning, the originary, childhood experience of sport, which is different for girls and boys. These differences are shown by comparing proportions,²⁸ across three age groups, using a large sample of children (n = 5,825) surveyed by the Australian Bureau of Statistics (ABS 2012). The data show that girls are much less likely to participate in organised team sport after school, than boys. **Table 5** illustrates this difference, which is significant across the three age categories.

²⁸ Sub-categories were not available to perform Z-tests.

Table 5: Originary experience of organised sport by gender, 2012, %

Age group	Female participation	Male participation
5-8 years	50	61
9-11 years	59	73
12-14 years	53	66

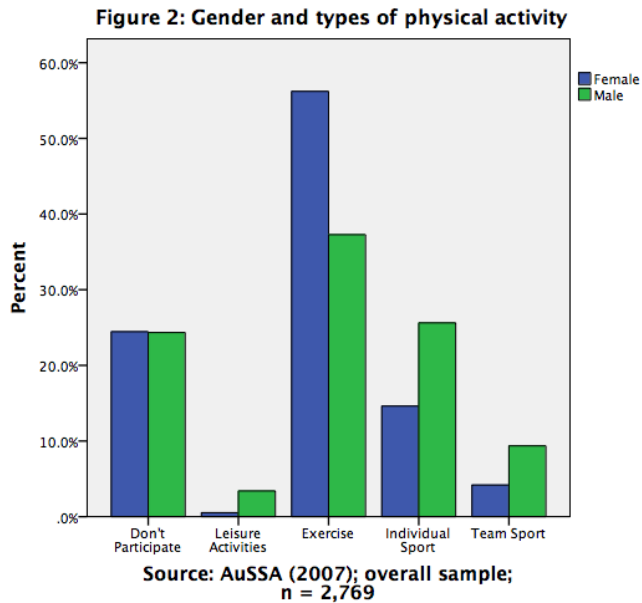
Source: ABS (2012); n = 5,825 children

Additionally, the ABS (2012) observes that a team sport, soccer, is the most popular for boys, with 22% playing that sport, while the most popular sport for girls is an individual sport, with 19% of girls participating in swimming and diving. Indeed, girls are more likely to participate in other, non-sport, physical activities, such as dancing (ABS 2012).

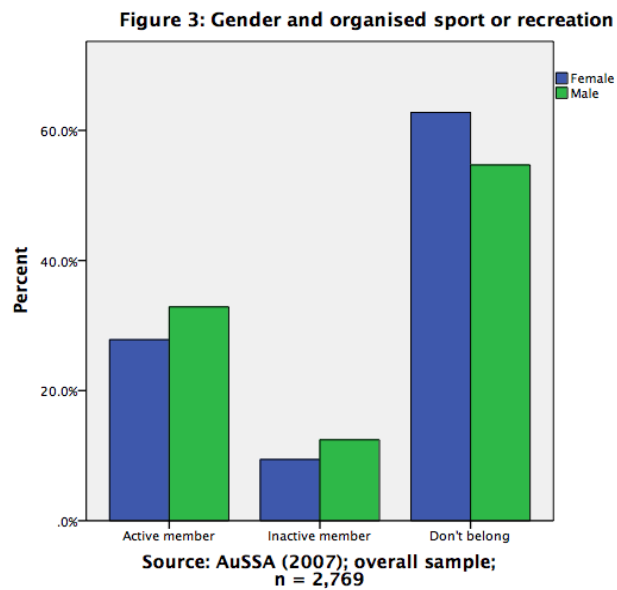
Similar differences are evident in adult experiences of sport for women and men. I tested separately for differences in the proportion of women and men who were *not* participating in physical activity, and who *were* participating in exercise, individual sports, and team sports respectively (all with Z-tests, using the overall AuSSA sample). While there are no significant differences (at CI 95%; $p \leq .05$)²⁹ between the proportion of women and men not engaging in physical activity, there are very significant differences (at CI 99%; $p \leq .01$)³⁰ in the types of physical activities that women and men participate in most frequently (Technical Appendix TA5). As **Figure 2** illustrates, women are more likely to exercise, while men are more likely to play individual and team sports.

²⁹ From here on, I use CI = 95%; $p \leq .05$ to assess significant differences.

³⁰ From here on, I use CI = 99%; $p \leq .01$ to assess very significant differences.



Adult women and men also engage with sport differently. I assess these differences with a chi-square test for independence of gender patterns in engagement, on the overall AuSSA sample. Significantly, data indicate that men are more likely to be active members of a sport or recreation club than women ($\chi = 15.914$; $p \leq .01$). This difference is illustrated in **Figure 3**.



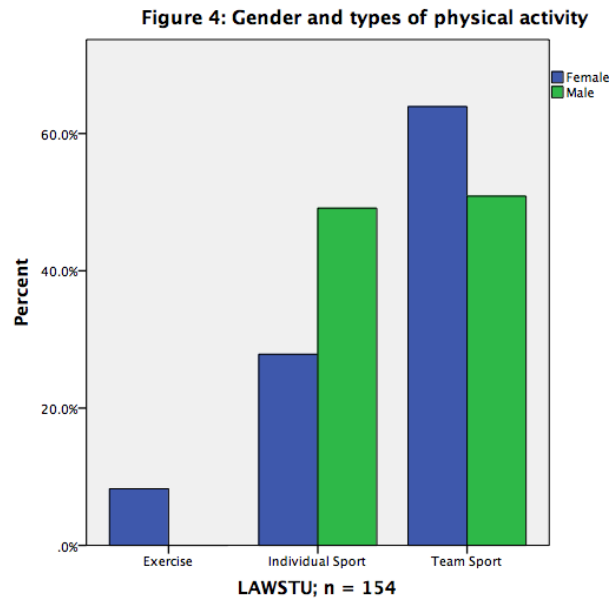
Children and adults, therefore, exhibit similar gendered differences in what type of sport they participate in most frequently, and in how they engage with sport. It is reasonable to conclude that the gendered originary experience of sport continues from childhood through to adulthood.

Having considered whether there are gendered experiences in *what* type of sport is played, and *how* participants engage with sport, I now ask: are there gendered motivations for playing sport? While parents encourage their children to play sport because it builds character (Phillips *et al.* 2007), women and men are, themselves, motivated to play sport for different reasons. I identify differences by performing an association analysis, using the gamma statistic, on the overall AuSSA sample. Significantly, there is a moderate positive association between women and playing sport “to look good” (see question A.12 in Phillips *et al.* 2007), ($\gamma = .277$; $p \leq .01$), and to improve their health ($\gamma = .165$; $p \leq .01$). For men there is a strong positive association with playing sport—to compete ($\gamma = .297$; $p \leq .01$). The data strongly suggest that women are more likely to play sport to focus on improving their bodies, while men are more likely to play sport to *compete*. Having identified gendered differences in the overall population’s participation in sport, I now examine whether such differences are similar for emerging lawyers.

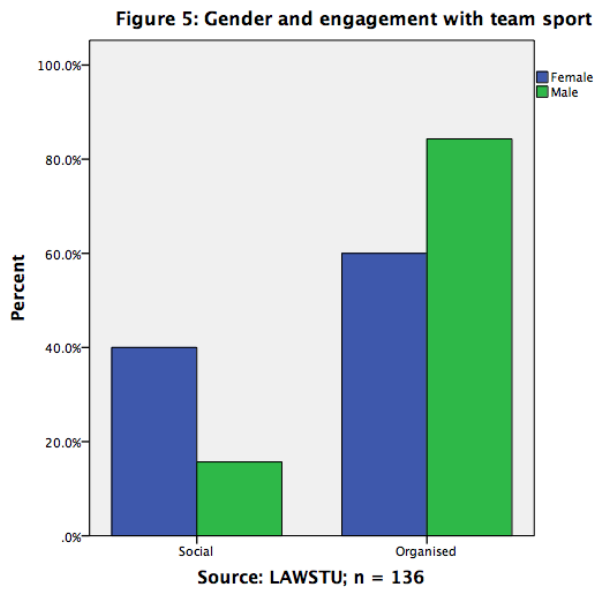
Gendered differences in sporting activities of final-year law students

Women and men in their final year of studying law also participate in different types of physical activity. I test separately for differences in the proportion of women and men participating in certain types of activity by performing Z-tests on the LAWSTU sample. Contrary to the overall population considered above, there are no significant differences between the proportion of women and men identifying a team sport as the

most frequent and most important sport played during their school and university years. There are, however, significant differences with more women nominating exercise as their frequent and most important *physical activity*; and more men indicating that an *individual sport* is their frequent and most important physical activity (Technical Appendix TA5a). These differences can be seen in **Figure 4**.



As with the overall population, there are differences in *how* female and male law students engage with sport. I assess these differences with a chi-square test of independence for any gender patterns in the responses to a survey question asking students to identify whether they play social or organised sport. The data show that women who play team sport are significantly more likely to participate through social competition, while men are more likely to play team sport through an organised competition ($\chi = 8.828$; $p = .004$). This difference is illustrated in **Figure 5**.



By contrast, there is no significant difference between female and male law students engaging in individual sport through either organised or social competitions. The data strongly show, for this emerging lawyer population, that women are more likely to participate in exercise or social team sport, while men are more likely to participate in individual or *organised* team sport.

There are also gendered differences in *why* final-year law students participate in sport. I perform association analysis using the gamma statistic to test for these differences. The data show that there is a significant, strong positive association between men and playing team sport—to compete against themselves ($\Upsilon = .371$; $p = .005$)—and a near-significant moderate association with playing team sport to compete against others ($\Upsilon = .260$; $p = .057$). In contrast, for women, there is a significant strong association with playing individual sport to network ($\Upsilon = .351$; $p = .020$), and for mental wellbeing ($\Upsilon = .364$; $p = .037$). Unlike the overall AuSSA sample, playing sport “to look good” (Phillips *et al.* 2007) does not produce a significant difference for female and male law students. These results strongly

suggest that emerging female lawyers are more likely to participate in individual sport to focus on their mental health and to network. The data also strongly suggest that emerging male lawyers are more likely to participate in team sport—to *compete* against themselves and others.

The interaction of gender and class within the elite legal profession

The elite legal profession in Australia has, for centuries, been dominated by ‘white, Anglo-Celtic, heterosexual, able-bodied, middle-class, males’ (Thornton 2004:2). Indeed, as noted in Chapter 2, a high proportion of students in the LAWSTU sample identify as middle-upper class. It is therefore appropriate to consider gender differences, in the context of social class³¹ to assess whether patterns evident in the above analysis change (Technical Appendix TA6). For middle-upper-class students, the data show no significant differences in participation in team sports. However there are very significant differences in the proportion of men playing individual sports compared with women ($z = 2.630$; $p = .009$). There are also very significant differences in the proportion of middle-upper-class women engaged with social team sport, compared to *middle-upper class men who are more likely to play organised team sport* ($z = 2.716$; $p = .006$). Notably, there are no significant differences in the type of sports participation between lower-middle-class women and men, nor any significant differences in how lower-middle-class women or men engage with sport.

Turning to examine differences in why students from different social classes play sport, I focus on whether students play sport to compete. I performed separate Z-tests on the LAWSTU sample to reveal a very significant difference in the proportion of middle-upper-class men playing team sports to compete against themselves ($z =$

³¹ Data for lower class and working class were added to lower-middle class, and data for upper-middle class were combined with upper class.

2.865; $p = .004$), but no significant difference in their playing sport to compete against others. There are also no significant differences in lower-middle-class female and male students playing sport to compete. The data strongly suggest that middle-upper-class final-year male law students are more likely to play individual sports. However, when they play team sports, their main motive is to compete against themselves. The middle-upper-class female cohort are more likely to play social team sport for reasons other than competing. Additionally, there are no significant differences between lower-middle-class final-year male and female students' participation in sport.

In this discussion I have responded to the first research question posed in the Introduction (page 7). Using the different types of survey evidence, I have shown that gendered differences in childhood participation in sport continue through to adulthood. I have also identified three statistically significant gendered differences in sports participation among Australian adults, and for a cohort of emerging lawyers (final-year law students) in particular. Women are less likely to play sport than men; when women do play sport, they are more likely to play social sport, while men are more likely to play organised (especially) team sport; and women are more likely to play sport to improve their bodies, while men are more likely to play sport to compete—against themselves and (often) against others. Further, I have shown that these differences are especially evident for middle-upper class men. I turn to consider gendered differences in the importance placed on a variety of originary experiences for developing transferable soft skills.

The importance of sport as a source of soft skills for the legal profession

I also tested for significance of different sources for developing soft skills necessary for getting a good job in law. I assess differences in their importance by performing association analysis, on the LAWSTU sample. There are no significant differences between women and men identifying family, school, or university as important sources of soft skill development. Similarly, while numbers are small, there are also no significant differences in the importance placed on political/activist groups, or church/religious groups, as sources of soft skill development. However, there is a significant, strong positive association between men and identifying sport as an important source of soft skill development ($\Upsilon = .367$; $p = .001$). Additionally, there are significant, strong positive associations between women and identifying working ($\Upsilon = .459$; $p = .001$) and volunteering ($\Upsilon = .324$; $p = .006$), and a moderate positive association with summer clerking ($\Upsilon = .282$; $p = .020$), as important sources of soft skill development for a job in law.

I also examine differences in proportions by gender and social class, about the importance of various originary sources of skill development. To do this, I perform Z-tests separately on the LAWSTU sample. Significantly, more middle-upper-class men than women identify sport as a very important source ($z = 3.100$; $p = .002$); but there is no significant difference here between lower-middle-class and middle-upper-class men. Similarly, while significantly more middle-upper-class women than men identified work as very important ($z = 2.390$; $p = .017$), there was no significant difference between middle-lower-class women and middle-upper-class women. The data strongly suggest that gender, rather than social class, is the key variable when

considering the importance of originary sources of soft skills for job success in the legal profession.

Having identified that sport is a very important source of soft skill development for men (and not for women), I now proceed to consider the remaining research questions set out in the Introduction (page 7). I do this in the next chapter, where I investigate the implications that the three gendered differences in sports participation (what—how—why) have for the accumulation, practice, and value of soft skills (embodied cultural capital) and networks (social capital) in the workplace.

Chapter 4: Revealing how masculine power transfers from sport to the workplace (qualitative findings)

I continue, in this chapter, to reveal the mechanisms through which masculine power transfers from sport to the workplace—to show *how* the gendered experience of sport enables gender ordering in the Firm. Focusing here on the field of sport as a central site for the development of soft skills (as embodied cultural capital), qualitative data (combined in some instances with quantitative data) are used to better understand: *how* the significant differences in the originary experience of sport affect the development of transferable soft skills for the workplace. I then investigate *how* those transferable soft skills are practised and perceived differently at the Firm—how habitus responds to the field—in ways that produce gendered career trajectories favouring early-career male lawyers.

Participating in individual or team sports affects the range of soft skills learned

Do gendered differences in the types of sport participation affect the development of transferable soft skills? I investigate differences and similarities in transferable soft skills, learned through team and individual sports, through interviews—with experts and early-career lawyers (i.e. Solicitors and Senior Associates). The data connect differences in the types of sport that early-career lawyers participate in, with the accumulation of embodied cultural capital (soft skills) that are valuable in the workplace generally, and in the Firm specifically. Coach, who is an expert in teaching sport to females and males at all levels of ability, enthusiastically confirmed that many soft skills are learned through playing sport:

There are so many, organisation skills, team work, being willing to accept each other's weaknesses and strengths, accountability, particularly in team sport...Sport is unbelievable for teaching things for the workforce, and team

sport teaches you so many things. An individual sport has a work ethic ...you're disciplined, you get up early, you have the ability to handle adversity...people with no sporting experience at all...tend to float ...handling adversity is difficult for them, whereas team sport handle adversity everyday.

Supporting Coach's insights, Eric and Debbie, both Solicitors identifying as individual sports participants, gave similar explanations of how their preferred sports (running and triathlon respectively) have taught them to achieve results, by breaking things down into small milestones. Eric, explains:

What I...get from sport is breaking things down into smaller portions...if you're running a 5k, you'll always think in terms of, I just need to maintain a certain pace per kilometre and then it's just a matter of doing the time and you'll get there...that helps me a lot in terms of appreciating what might seem quite difficult at the beginning is not insurmountable.

Gabe (a Solicitor) says that she too sets milestones when planning her music achievements. A non-sport participant, Gabe argues that she also learns discipline and a work ethic, from her music lessons:

I think the difference is...unless you're playing in a band or whatever, it's such a solo mission and it doesn't involve a team environment. You're out there practising yourself, you're disciplining yourself, so when you don't get the results you want, it's just all on you...I think that's probably the main point of difference [to playing a team sport].

Bob, a Solicitor who plays mainly team sports, distinguishes the soft skills he learns from individual sports:

I've captained a number of teams, so leadership in that respect, working with people, and managing people because they are two separate...Resolving conflict...communication is probably linked to teamwork. That's something you definitely learn from sport is communication, how to work with others, dealing with other personality types. I guess if you play a sport that involves a bit of one-on-one, I don't know if you necessarily have a great exposure to that.

Extending this insight, Cathy, a Senior Associate who is a retired elite-level team sport participant, addresses the socialisation aspects of team sport:

I think there's a common thread that I've observed...there is a direct relationship between the skills I observe and the people that have at some stage played sport, and I would say not at the elite level, but they've just played some sort of team sport and they're just more well-rounded.

These views confirm another point made by Coach about transferring soft skills from sport to workplace. Individual sports participants have trouble “fitting in” to a team structure:

It depends whether it's individual or team-based...I've often said to some people who don't fit into a team structure, go and try individual sport because you don't fit here. I think in a workplace it's very rare that you would have a person like that, that could just work for themselves. Unless you're an executive, but then again an executive is looking after a lot of people, and you've got to get to that level...and actually have the ability to work with people.

The data reinforce that interviewees see soft skills, experientially learned through playing sport, as transferable to the workplace. Further, although there are similarities, there are also differences in the soft skills developed by playing individual or team sports. The data also highlight that while there can be disadvantages from not playing sport at all, certain soft skills can be learned through the conscientious pursuit of activities other than sport.

Organised sport as a structured learning environment for developing soft skills

While the data show there are differences in the range of soft skills learned by playing individual or team sports, how people engage with sport also makes a difference in the soft skills acquired. Recalling that more men than women participate in organised team sport (page 53), early-career lawyers elevate organised sport over social sport—because it offers structured learning and mutual accountabilities. Coach says that girls³² are encouraged to play social sport: ‘They rely on their friends to do

³² Coach refers to females of all ages and abilities as “girls”.

it with them rather than boys who will just jump in and do it...the boys would take it up but the girls won't...they're not confident enough to compete' in organised sport. They play with their friends: 'You know, I've said to the girls, you don't need to be everyone's best friend, you have to respect each other—that's it. The girls like to think that they're part of the group'. In the context of discussing the development of soft skills through sport, Coach goes on to explain that: 'They're only going to be playing social comp and nothing would be happening'. This is because there is no coach or learning structure to encourage "girls" to get the experience they need to develop skills.

Debbie, a Solicitor, also elevates organised competitive sport over social sport. 'Just playing a social netball competition, no-one really cares...No, you just turn up, no-one cares how bad you are'. On the other hand, Cathy observes the different emphasis placed on winning, in organised elite sport and in playing at a social level, and believes 'It would be an interesting debate as to which one of those is actually developing more useful skills'. This insight is consistent with an observation by Gould and Carson:

The coaches studied were highly successful, winning over 70% of their games. What makes this statistic so interesting is that it is often suggested that pursuing victory and developing life skills cannot be done simultaneously. The initial results suggest otherwise. (2008:64)

However, Amy (a Solicitor and a team sport participant) sees some differences in soft skills developed by people who do not play sport, or at least not organised sport: 'They're less adversarial, perhaps; less aggressive is not the right word, but less competitive...which can be an advantage when it's the right time to be empathetic'. This insight provides an example of how diversity of experiences, including

participating in sport in different ways, *can add value to the workplace*, something I take up later on.

How participation in sport indicates “career potential” for large law firms

As with many other large companies (e.g. Westpac 2015), the recruitment information on LLFG websites encourages graduates to include references to their experience of sport in their curriculum vitae (CVs). I investigate why large corporate law firms actively recruit graduates who have participated in sport—through interviews, supported with quantitative data.

Hillary, the Firm’s Human Resources expert, explains why the Firm wants to know this information:

We think health and fitness is really key to high performance...so we actively look, we have vast numbers of CVs with straight HD’s and distinctions...so then in that pool we then say right...let’s just focus on the ones that have a really good mix of things... I don’t often hear people talk about sport specifically. I do hear people talk about difficult backgrounds...even though not many of the people they’re interviewing would have a difficult background...that kind of thing indicates to them an ability to be resilient, an ability to take responsibility...just like sport indicates to them a commitment, a discipline, an indicator they’re balancing academic work and life, and in some cases it can demonstrate that they are effective in participating in part of a team...I think we are deliberately screening people on the basis of the mix of things they have, you know it’s not unconscious, it’s conscious.

While Hillary emphasises that sport is one indication of a good “balance” in a graduate’s life, Debbie says that the partner she works for makes recruiting decisions based on the type of sport participation: ‘I know that my partner does not recruit people that have not played a team sport...because he thinks if you’ve never played a team sport you don’t understand what it is to work in a team’. Participation in sport, then, is a valuable indicator of career potential for large corporate law firms. It indicates to them an ability to achieve a work–life balance, it signals the potential for

high performance, and it demonstrates the capacity to practise a range of soft skills that are valued in the workplace. In this way, participation in sport can lead to the improved labour-market outcome, of getting a good job in the legal profession.

Final-year law students understand that they must demonstrate more than great academic results to get a good legal position. Indeed, of the LAWSTU sample, 95% strongly agree or agree that that is the case. Further, 57% of female students, and 68% of male students reference sport in their CVs when applying for a job in law. However, significant differences are revealed in how final-year law students discuss their experience of sport in the job application process. To do so, association analysis is again performed using the gamma statistic on the LAWSTU sample. There are significant differences in how students describe the value of sport in their CVs. For example, there is a strong positive association between female students and describing their participation in sport as a hobby ($\gamma = .472$; $p = .041$). In contrast, there is a strong positive association between male students and describing their participation in sport as evidence of their skills ($\gamma = .395$; $p = .038$), or achievements ($\gamma = .472$; $p = .041$). Additionally, there is a strong positive association between male students and discussing sport as a skill during interviews for a job in law ($\gamma = .327$; $p = .038$). Coach helps to explain these patterns:

It's the structure of sport within the school system. For example, the GPS and a lot of the private schools are very big on sport, inter-school sport, all school sport, all types of sport. I think the women don't have anywhere near...the type of competition...that men do...That's because there's more stuff for boys to compete in...what are you going to write [on your CV] when there is a [girl's] basketball team where there's a six-week competition? Girls tend to define it [sport success] as 'we are happy, are we having a lovely time, do we have fun?' rather than boys, who want to win...[girls] are there for participation, rather than competition.

Nevertheless, large corporate law firms, including the Firm, do hire in roughly the same gender proportions as students graduating from university—60% female and 40% male (Prom and Hillary).

Indeed, female graduates tend to do better in interviews than male graduates.

Both Hillary and Prom (partner in a large law firm) say that female graduates are more “interesting” candidates than their male counterparts. Prom says:

The majority of candidates are women not men. The best performers tend to be women, or say the better performers in interviews tend to be women...academic results in women seem to be superior to males...in theory we are getting people who are well-rounded but in practice we are getting people who are very good academically who've done other things.

Indeed, Gabe was surprised that the partner who interviewed her found her background interesting:

The partner said “Oh look, you've done this level of music, this level of piano...” and he actually spoke about it quite positively which was interesting...he thought, based on that, I was a typical type-A personality—like very driven, very disciplined, very focused and methodical, and he liked that about my background which I thought was interesting because I'm not really a sporty person and sometimes that's picked out on during interviews.

Hillary explains why significantly more men than women are likely to discuss sport as evidence of their soft skills during interviews:

I just assume that's because sport is a bigger part of males' lives and just one part of females' lives. Males don't usually have more than sport in their lives...there's not the same level of prestige attached to women's sport, if they played at the rep level I'd expect to see it in their CVs, but not if they just played at a social level. Men would definitely reference sport, at any level, they'd emphasise it. I think that's because they think they're getting more out of sport than females. Maybe females don't connect sport with work but men do.

Indeed, Hillary's view is supported by the LAWSTU sample (page 54) which strongly suggests that male final-year law students place a higher value on sport as an originary experience of soft skills than their female cohort. I turn now to examine,

through data collected from face-to-face interviews within the Firm, how the significantly greater number of men who play organised sport—to compete—accumulate soft skills transferable to the workplace.

Informally valued embodied cultural capital in the workplace

My analysis of documents provided by the Firm reveals that the capacity to perform in a competitive environment is not formally acknowledged as a soft skill (embodied cultural capital) necessary for career success. Nevertheless, Hillary believes that competitive skills do differentiate females and males in the Firm:

We mapped our organisation at 2-3 years and 5-7 years and layered down deep to understand our gender split profile. At 2-3 years—our gender split—our exceptional “Top 25% talent”...less than 60% of that, (only) 25%, are female. There’s no clear family reason for that, the things that got them selected should still be there, but they’re not. Part of it seems to be the competitive skills that males have learned through their careers. Eighty per cent of our partners are males and they develop the 60% of the graduate pool which is female. They can easily spot a male superstar but struggle to spot a female superstar, and any females they do spot are possibly “like them” (i.e. with similar strengths and motivations etc.).

Hillary extended her thought by explaining that the most successful partner in the Firm is a woman—with little room in her life for anything other than work. While unaware of her sporting background, Hillary observes that this partner is driven and extremely competitive and succeeds because she is a “like them”—a workplace male.

All early-career lawyers identify different styles of competition—and competitive environments—operating in the Firm (as a field). They emphasise that an adversarial style of competition is most common when pitching for client business, or when that style is in the best interests of the client, particularly in litigation. While Fred (a Senior Associate and an individual sport participant) observes that other kinds of client work, including ‘commercial law, can be quite collaborative; even though you have two different sides to the transactions, ultimately they are trying to get to

the same goal'. All lawyers interviewed understand that the Firm's organisational structure is designed to encourage internal competition. Amy describes that environment, and says one needs to be *visible* as the best performer on a winning team:

I think the structure of a law firm...the hierarchy...makes it conducive to being competitive because to get ahead you need to stand out...you're in a team and you're competing against each other, I suppose, to get the sort of attention and credit from your senior managers...it's not always adversarial...it can be a supportive type of competitiveness...you're trying to push each other to create good work... to do the best for the client...you are working for the greater good, but at the same time...it is competitive amongst your peers so you need to do what's in your best interests when it's appropriate.

Bob extends Amy's insight, explaining that while playing an organised team sport has helped him to compete against other teams, it has not taught him how to compete with colleagues (i.e. team-mates) within the workplace. By contrast, Debbie explains how her experience of competing in mainly organised individual sport does transfer to the workplace:

I think it's definitely an advantage...having been in a competitive environment in sport previously... you're sort of practised at the focus, that nervous energy that you get. I think also in terms of progressing...people look at you as if you can be a high achiever, a high performer.

Therefore, experience in managing oneself in a competitive environment, and the "signalling effect" of being a successful competitor in sport, are ways that interviewees identify experience in organised competitive sport as providing an advantage in the workplace.

Playing sport to compete may lead to higher income

Although the Firm does not formally acknowledge the capacity to perform in a competitive environment as a valuable skill, I identify a general pattern that supports a connection between participation in sport to compete and higher income in

Australia. I do this by performing a bivariate association analysis,³³ using Spearman's Rho on the AuSSA subset sample (18-40-year-old graduates working as professionals or managers) to examine the strength and direction of association between gross annual individual income:³⁴ gender and playing sport to compete against others (Technical Appendix TA7). As expected, confirming the gender pay gap, there is a significant, strong positive association between men and higher income ($r = .311$; $p \leq .01$). There is also a significant moderate positive association between playing sport to compete against others, and higher income ($r = .175$; $p = .031$). While focusing on men separately did not reveal any significant associations, when only women were considered, a significant moderate positive association between playing sport to compete against others and higher income was revealed ($r = .259$; $p = .008$).

This finding is consistent with the results of a global online survey of 400 women, of whom 49% were in director or senior executive roles and 51% in other management positions (Ernst and Young 2014). That survey found 'Ninety-four per cent of the respondents have participated in sport and close to three-quarters (74%) agree that a background in sport can help accelerate a woman's leadership and career potential' (Ernst and Young 2014). Indeed, participants in that survey said the discipline and competitiveness that come from playing sport were important factors in their career success, as well as in their hiring decisions (Ernst and Young 2014).

The data suggest a connection (but not necessarily causation) between women playing sport to compete and higher income. While the qualitative and quantitative

³³ I fully expect other factors to contribute to this outcome, which could be explored in multivariate analysis.

³⁴ It should be noted that the highest gross annual income band in AuSSA is \$104,000 and over. As such, the data likely understates the pay gap.

data show it is likely that most women who achieve leadership roles in corporations have developed their capacity to perform in a competitive environment through participation in organised sports—they do so on masculine terms as “workplace and sporting males”.

Formally valued embodied cultural capital in the workplace

I now turn to consider transferable soft skills that are formally valued by the Firm.

The Firm’s career development toolkit was reviewed to understand the skills that early-career lawyers must demonstrate in the workplace before they can be considered for promotion. It observes that experiential learning is an important way of developing soft skills. The toolkit notes that, ‘approximately 70% of all learning in the workplace is most effectively achieved through experience on the job, 20% through exposure to role models, coaches and mentors, and 10% through formal development programs’ (Firm document). This information is provided in the context of ensuring that lawyers accept responsibility for their own career and professional development. The capabilities that early-career lawyers, seeking promotion to Senior Associate, must demonstrate are categorised as: personal leadership, collaboration with partners, leading within teams, building relationships with clients, and delivering client outcomes. In addition to demonstrating legal and commercial expertise to deliver client outcomes, a range of soft skills are emphasised as being important criteria for career success (understood as promotion) improved field position.

Focusing on Solicitors aspiring to become Senior Associates, the toolkit identifies very important soft skills as including: resilience to setbacks, changes and challenges; proactively seeking and responding to feedback about one’s own performance; self-confidence in one’s interactions with others; identifying and taking

advantage of opportunities to demonstrate and develop a complete range of skills; communicating respectfully and constructively with teammates to share knowledge and to provide feedback; and actively networking within the firm to build constructive, trusting, and enduring professional relationships with team members and partners.

Emerging lawyers' and early-career lawyers' awareness of these skills were assessed by ranking their responses to a question asking them to identify the most important soft skills for getting a good job in law, or for career success in the Firm (Technical Appendix TA8). I now focus on three of the soft skills identified in my analysis as being important: resilience, teamwork, and networking (although some of the other skills are addressed in my discussion). The practice of these three skills demonstrate the advantage that (mostly) male lawyers enjoy, in particular when they are developed through participation in sport.

Resilience as important embodied cultural capital

Resilience, as distinct from coping, is essential to career success in the Firm, especially when lawyers have learned to use resilience (as Cathy says) 'to win the next game'. Indeed, as all early-career lawyers in large corporate law firms are high-achieving students, it is possible that they have not had many opportunities to learn resilience at school or university. In fact, 80% of women and men, in the LAWSTU sample strongly agreed or agreed that sport has taught them how to receive and respond to feedback about their performance (Technical Appendix TA6). The sports-participating lawyers interviewed all discussed resilience in dealing with performance feedback, which they call "red pen" on their work. They were convinced that sport taught them how to put setbacks into perspective, giving them confidence to recover from those situations. Fred, for example, says:

In a sporting match it is very rare that an individual or a team will constantly succeed, you always have setbacks in sport...So I suppose, through that, you are learning resilience...unless you are resilient it's a very, very hard profession to be in. So it's not necessarily about...your personality or something like that, it's more to do with how you deal with situations.

Bob extends this insight by including his experience with a sport coach to prepare him for dealing with criticism in the workplace:

It's the same deal in sport. You've got your weaknesses, and your coach will probably point them out to you. Learning to take them in the right way and see them as constructive. Not everyone can do [that], I guess sport is one way you learn that...when you come into a working environment you realise this, this criticism is for my own benefit, it teaches you how to take certain things, so in that respect it builds resilience.

Indeed Cathy makes the additional point that experience of organised sport teaches one how to be proactive about seeking feedback to improve:

It stops you just sort of going for a year without ever really stopping and evaluating...there's that aspect of seeking feedback, am I on the right [track], because sometimes our supervisors are so busy that they're not necessarily focused on delivering that to you.

The non-sports participants interviewed also felt that resilience developed through participating in sport transferred to the workplace. Helen, a Senior Associate who does not take any interest in sport, observes that participating in sport 'does help in that you're constantly being told, you know, I can't really think of another scenario where people can just on a regular basis...you're constantly having that feedback'.

Gabe extended this point by explaining that she was learning resilience on the job.

Gabe felt that Law School had made her aware of the need to be resilient, and that she had developed coping mechanisms at university, mainly by having a very supportive network of close family and friends. However, she noted that the workplace:

can be a lot more intense than anything you've had to experience so far...I've gone through periods where I'm like, this has got to be the rock bottom, this has got to be the worst it can be, but actually it's not, and 6 months later you're thinking this is the worst it can be, when I thought it couldn't get any worse.

Therefore, early-career lawyers who have participated in sport in ways that provide them with a structured learning experience have learned how to be resilient. They are especially practiced at seeking, receiving, and responding to performance feedback. Resilience is practised in the workplace for career advantage. Non-sports participants, and others—mainly women—who do not participate in the structured learning environment of organised sport, learn resilience on the job. As such, past participation in organised sport *enables accelerated career trajectories* for the—mainly men—who have experientially learned resilience through organised sport.

Teamwork as important embodied cultural capital

Most of the work performed by large corporate law firms, including the Firm, is carried out through teamwork. Teams of lawyers, within an area of legal expertise, often combine with lawyers from other parts of the firm to deliver outcomes for clients. Fred explains how it works in the Firm:

We have a partner and then there might be a senior associate there, then a solicitor and or maybe two senior associates and two solicitors so that team unit will generally work...not necessarily on the same transaction, but you need to be able to work with everyone on your team, and everyone brings different skills to the table as well. So if you're not able to work well with that team it's very, very hard to succeed I think.

Debbie explains why learning teamwork through sport transfers to the workplace better than working in a shop:

Because he [partner in Firm] thinks if you haven't, out of uni...played a team sport then you don't understand what it is to work in a team...it gives you that working in a competitive environment in a team is different from, say, just working in like a shop together with people. It is a different environment which is more reflective of the workplace.

Here Bob shares his views on how team sport taught him to work constructively with others:

In the average team when you're dealing with at least immediately 4 or 5 different people and in the wider team 30 to 100 different types of people and playing sport teaches you how to deal with different personality types.

Fred supports Bob's view about how team sport teaches the skill of successfully working with different personalities:

If you're playing team sport like basketball, even if you're a superstar, it's not a solitary pursuit. You can't just go from one end of the court to the other entirely by yourself. No one is going to thank you for it, and you're not going to win the game. So, in sport I suppose you learn those skills of being a team player.

Although Gabe says that while she has experience of teamwork through 'jobs during uni...and even university activities like clubs and societies', the Firm's environment is different:

It's a lot more open-plan, you hear a lot of things, you see a lot of things and especially through the graduate rotation where you're moving every 6 months...picking up how different leaders work.

Unlike the organised team sport participants, Gabe's originary experience of teamwork did not prepare her for the constant distractions and change that occurs in the Firm's workplace. As with resilience, knowing how to manage one's own performance within a competitive team environment *accelerates a person's capacity to succeed*. Again, mostly men, playing organised competitive team sports, have learned and practised this skill before entering the workplace.

Networking as important embodied cultural capital

Networking is also an essential part of career success in the Firm. While more senior lawyers must demonstrate this skill outside the Firm, to build deep relationships with valuable clients, early-career lawyers need to practise this skill internally to gain *visibility* and build their "personal brands". Indeed, this is *how* early-career lawyers

gain access to opportunities in the Firm. Helen points out that decision-making processes are not transparent:

I think the big problem with law firms is that it's not transparent, how people get watched, how people get particular spots...it's actually a source of a lot of angst between the younger ones, especially if you don't really know what the process is.

Cathy explains that when it comes to allocating work:

I think half the battle is a name coming to mind, that's sort of almost step one. Sometimes you might just go to the list and work out who's got capacity, and go from there...if I had been playing soccer with someone and I needed someone...that's probably definitely, unless you had any real reservations...if you know them, that's probably 90% of it.

However, Hillary observes gendered differences in how female and male lawyers vie for visibility with the people who matter for career success. Males appear to know how the system works:

What I see is male graduates managing the system, picking and choosing what they'll do. More women just suck it up, males won't say no to a partner but will offload the work to someone else, which works well for them leaving them free for more strategic or higher visibility work. Females take organisational roles on teams, they get recognition for that but it's not client-making. Males lurk around partners, they get exposure to opportunities, nipping around and hunting for opportunities, females are off busy organising files and doing it excellently but they're not meeting partners for opportunities. Males seem to be more cavalier about being delegated tasks. Females take a very earnest role-driven approach. You've been asked to do a job so women go ahead and do it. Males ditch it, they take a calculated risk, they pick and choose which opportunities they're going to take. Women definitely don't negotiate for time in opportunities. They've learned skills that they can bring back after a maternity break to continue their careers but they don't have the experience to make a step up to a new trajectory.

Cathy agrees with this view, and she believes that it is something that is learned through participating in sport:

There's always the adage in sport that it's 90% mental and 10% physical and I think that applies...sometimes I think the next step for women is harder to accomplish...we spend a lot of our time just doing the work and doing it well...and that's only really 10% of the piece.

There are several other ways that lawyers develop their personal brands or “get known” internally. For example, the Firm has knowledge communities, diversity committees, and pro-bono work. However, as several of the lawyers pointed out, these are all arenas where one is being judged professionally. While there are Friday night drinks³⁵ events and Christmas parties, here too lawyers believe they are being judged and therefore maintain a professional façade. Debbie sums up the difference that participating in sport, even through the social lunch-time league, offers:

I actually think a big thing with sport is that you’re wearing the same kind of things and you’re looking all gross and sweaty, which is so far removed from your professional self.

Fred agrees, and adds:

Once you’re actually playing in that game and you know, your blood is pumping, I think your inhibitions around what you say and do fall away a little bit. People mediate their behaviour a little bit more in a corporate setting.

Hence, playing sport, even at this social level, helps to create and build relationships.

Cathy explains how such relationships translate to value in the workplace:

To the extent that there are people who are making decisions that you’re playing sport with, then I think there might be some advantages to be gained by that because you just have a relationship...you’re at the forefront of their mind...I can think of a few examples like that, there’s someone that I play basketball with, we were doing this particular matter and we needed advice or assistance from someone who knew about something about banking laws...So I said, I know Chris, and I called him up... that internal networking definitely has been useful and I think it’s probably going to get more useful as I go on.

Yet women’s participation in the “friendly” mixed sports competitions organised by the Firm is minimised by men’s “control” of the game. Bob, for example, describes the annual Solicitors versus Summer Clerks touch football competition:

Girls...might not necessarily want to be part of that because they might think they’re not good enough or don’t want to let the team down, and on the

³⁵ Some female participants felt excluded by the drinks functions either because they did not drink alcohol (Helen), or they were made to feel uncomfortable (Amy).

flipside you've got the guys on the team who are, like, we want to win, that's kind of what you've got to do as a lawyer. We need to have a certain number of guys on the team because they're going to perform at a higher level...and the rules are that you've got to have at least two of any gender on the field...when we got to five guys and three girls we decided to put more guys on, so there's definitely that mentality.

Accordingly, the minimum female requirement, even for a “friendly game”, automatically becomes the maximum requirement for women's participation in the event. This practice makes it difficult for women, particularly those who play social sport, to join in these networking opportunities. Bob's example also shows how early-career male lawyers use sport within the workplace; to reinforce their reputation as *winners and leaders*; and their *authority* over summer clerks.

Formally valued social capital in the workplace

Differences in male and female sports networks as social capital in the field are now examined. I focus on interviews with early-career lawyers to understand differences in the value and use of their sports networks for career advantage. Their perspectives are of particular interest as only 39% of final-year students (38% female, and 41% male) in the LAWSTU sample strongly agree or agree that sporting connections are valuable for a career in law—suggesting a field-specific (workplace) awareness of the value of sports networks.

Male sports networks as valuable social capital

The interviews reveal how male early-career lawyers use sport to bond and build valuable networks that create *visibility* with decision-makers. Bob opened up here to explain his view of the reality of men's sporting networks in the legal profession:

Given that within law, there is perceived to be, well I guess there is a lot of “boys' clubs”, sport is definitely a key to the club. Even when you go talk to certain partners and there's not much common ground, then you talk about the cricket on the weekends and suddenly you'll click...It kind of builds naturally...The more you play for your club, the more people you meet on the weekends and you build your network...that might incidentally end up providing certain opportunities, so it's not that you necessarily play sport for

that purpose, but it definitely opens the door to opportunity that might not otherwise arise.

Fred provides a more tangible example from his experience within the Firm:

So this is more social sport...but I mentioned that I am keen on cycling...let's just say it's the new golf, so it's this big networking thing...people don't openly advertise they're cyclists but you gradually learn who is interested in it and then at some point you're in a lift with someone, or Friday night drinks...you might start up a conversation and absolutely, it's a lot more interesting than talking about work. One of the teams I worked with, the partner, there is sort of a big age gap between us, I'm 29 he's 55, you know, we worked really, really well together but we would never catch up on the weekend...socially the thing we would do is go out for a ride, so early on a Saturday or Sunday, just the two of us would go...and when you're out riding for a couple of hours just the two of you can talk about a lot of stuff, and a few of the inhibitions around the office fall away. So we do that quite a lot of time, we went out sailing a couple of times as well, so that's a form of sport, and there are other partners around the firm, people that I don't work with directly that I have gone out riding with, so I suppose it's a form of networking. I do it partly 'cause I enjoy it; you know, it's not all so calculated around advancement.

This example illustrates how for men, interacting through sport participation, irrespective of its structure or type, can develop a network that transcends age groups and hierarchies. These networks provide early access to influential people and therefore *visibility* when career opportunities to *promote field position* emerge within the Firm.

Women's sport networks are not as valuable in the workplace

By contrast, female early-career lawyer's sports networks are accepted as being inferior to male networks. They are smaller, less valuable from a business perspective, and used for a different purpose. Bob explains that it is just a matter of numbers:

Men have a larger network than women have and you might develop closer bonds within that network, if there are 20 people surely you can build a bond with 2-5 of them. Where a woman might have a network of 5 and might only have a bond with 1, not that same scope to exploit that network.

While Debbie also believes that the difference is size-related, she attributes that to organised sport at high school:

I don't think it is as big. I think that would be the biggest thing...It also goes back to schools. So I think that sport is such a big focus in boys, especially at GPS schools, that if you played rugby union and you are a rower that immediately gives you a network into the type of guys that are going to be in finance that have gone into management consulting, so I think it immediately gives you a network that girls don't have because I don't think sporting networks of girls is as strong...to be honest because my network that I have created through sport is mostly with guys, it's not with girls. [Because I play a mixed sport] I'm creating networks—with guys not girls.

Cathy also shares that women's sports networks are not only smaller, but 'less of a club' because women opt in and out of sport when they have relationships, and children: 'I know a lot of my connections I haven't maintained'. She also points out that there are not only fewer women participating in organised sports, but when they do, their alumni are weaker: 'of course for men three degrees of separation will lead to someone who's running the bank, whereas with women there's not that web'. Simply, there are fewer women who participate in sport who are also in leadership roles in corporate Australia, making it impossible to replicate the business value of men's sporting networks.

There is also another point of difference: women use their networks as support and coping mechanisms, whereas men use theirs for business value. Debbie responded emphatically about this difference:

Why? I don't know. I definitely think they are. I think it's the crux of a lot of our diversity issues and the fact that women aren't that good at networking...Guys have a stronger network to tap into in the first place. I think that old boys...from say, GPS schools, that's most of the guys I know, they have a much stronger old boy network 'Oh, I went to school with him, or I played rugby union or I rowed with him' therefore I can pick up the phone and call him, he will help me out. I don't think that girls would ever do that...I still think the girls that are in my network are more friendships...guys are more used to having that relationship that isn't necessarily, I mean it is a friendship but it's also, I'd find it easier to pick up the phone and ask a guy for a favour in a professional context than a girl, I think.

Interviewees accepted, then, that women and men develop different types of social capital through sport. Women tend to develop a sports network of peers, one that most likely does not span generations. Further, their networks are for wellbeing rather than business value. Finally, their networks are smaller—so the probability of leveraging them for business advantage is less than for men’s sports networks. Accordingly, women are unable to use their sports networks to create the visibility and access that men achieve through theirs. I now show how early-career women lawyers’ relative *invisibility is reinforced*, by examining the different workplace responses to non-conformity with masculine sporting norms.

Non-conformity with masculine sporting norms

While I have shown there is no significant difference between the proportion of women and men not engaging in physical activity (page 47), it is more acceptable when women do not participate in sport. I reveal through interviews, how different perceptions of women’s and men’s non-participation affects their capacity to accumulate social capital. Women, like Helen, are quite open about the fact that they have no interest in sport:

There are client events where I haven’t had the opportunity to meet particular people because it’s been playing cricket or playing golf or whatever. But it hasn’t galvanised me enough that I want to learn...I suppose I have tended to stay better in contact with the other female clients than the male, and whether or not that’s because I don’t speak sport, it might be the case, obviously we speak about other things...I suppose, yeah, even a client now often asks me how the cricket’s going...and I have to say I don’t really care. That’s the thing. I know some people do try to read up because they think it’s a really big deal. But I think that if there’s no interest in something then it becomes pretty apparent to the person you’re speaking to, quite quickly, that you’re trying to brown-nose. I would prefer to just, it ends up being a funny thing and having a laugh at how much I say I’m not interested. I think it’s better. How long can they hold up the charade anyway?

Helen’s non-participation is also treated as an ongoing joke in her team.

My boss uses sporting analogies a lot, and a lot of it I don't understand. Oh, cricket analogies all the time like 'we are going to play a straight bat this morning'...it's constant...it's a bit of a running joke because he understands that I don't understand it, and he explains it to me afterwards or on the side or whatever. I'm quite open about the fact that I find cricket really boring and I don't like rugby and...you know it's a point of laughter...I don't know if it would be different if I was a male...we have very senior dinners and stuff with very senior members of the client and they talk about cricket and I just go like literally this doesn't interest me at all and I don't even pretend or carry on a conversation...It might be very different if I was a guy saying that...they might think it's weird but I think they're a bit sort of like 'haha this girl told us she doesn't like talking sport'.

Helen, then, shrugs off the amused response to her non-participation in sport, and she does not believe it hurts her career.

Men, however, are often silent about their non-participation. For example, despite an extensive search by the Human Resources staff, the Firm was unable to find a male Solicitor who identified as a non-sport participant. Yet some of the lawyers interviewed knew male colleagues who did not play sport. When asked to comment on that situation, the lawyers had mixed feelings about whether men who do not play sport are stigmatised. Debbie, for example, was initially undecided but says: 'there probably is a stigma...I don't think any guys would put their hand up' and say they weren't interested in sport. Fred, on the other hand, thought it depended on the broader context: 'I think if you were to put your hand up and say sorry guys, not doing this [play in a Firm organised event, against the summer clerks or a client], yeah, you might be stigmatised. But that's not because you don't want to play sport', it is more about you not wanting to be a part of the event.

Bob had another context still:

More recently one of my friends who is not really into cricket—as you know the world cup is going on at the moment—he was having a conversation with the senior partners in that team, and he doesn't know too much about cricket, and he expressed that and they were like "You don't play cricket?" like it was really an unusual thing. So I think there's some base expectation.

While Helen's non-participation in sport is regarded as amusing, a male lawyer's non-participation is either silenced or unexpected. By contrast, some women who play competitive, traditionally male, sports are *silenced* about their participation. Surprising herself at the emotion behind her revelation, Amy recalled the homophobic jokes about her playing organised competitive sport. She thought her experience of playing a traditionally male team sport might help her career—to stand out as someone who does things differently. However, she was made to feel uncomfortable about discussing her sporting experience, and became concerned that it might adversely affect assessments of her abilities. These experiences reveal the informal disciplinary mechanisms in place to silence, or mock, non-conformance with hegemonically masculine norms of sport participation. The effect is to minimise opportunities for women to accumulate social capital, to gain visibility—reinforcing their *invisibility* with powerful decision-makers in the Firm.

Through the empirical research presented in this and the previous chapter, I have revealed some of the invisible mechanisms that enable gender ordering in the field (i.e. the Firm). Those mechanisms allow masculine power to transfer from sport to the workplace. The three gendered differences in sports participation—what type of sport is played; how participants engage with sport; and why participants play sport—provide (mostly) middle-upper-class early-career male lawyers with advantages in the workplace. They have experience with: managing their own performance in a competitive environment that is similar to the workplace; practising soft skills (embodied cultural capital) acquired through sport—such as resilience, teamwork, and networking—that accelerate their career trajectories; and they have a

network of sporting contacts (social capital) that make them more visible to decision-makers within the field. These decision-makers are the partners who allocate work opportunities and identify “superstars”. I have also identified disciplinary techniques informally used in the field to reduce women’s visibility with decision-makers—even when women play sport “like them”. These themes are developed through the theoretical framework, which appropriates Bourdieu’s social theory and core concepts, in the next chapter.

Chapter 5: How masculine power reproduces in a large corporate law firm: Discussion and conclusions

In the previous two chapters my empirical findings were presented. Responding to the research questions (page 7), the data presented identify some of the hidden mechanisms enabling the process of gender ordering in the Firm. By way of offering conclusions, I now consider how those mechanisms contribute to the reproduction of masculine dominance. After discussing gendered differences in sport as a field of knowledge, the theoretical framework developed in Chapter 1 (page 29) is applied to structure my analysis of how masculine power transfers between sport and the workplace, and in doing so reproduces itself. Extending my analysis, I then discuss how responses to that gender ordering process can impede or enable equality in the Firm, and its access to the diversity dividend. Finally, this chapter (and thesis) ends by providing concluding statements and identifying areas for future research.

Sport as a field of knowledge

Participating in organised, individual and team, sports provides a structured learning environment for participants. Certain soft skills, experientially learned and practised in that environment, are transferable to the workplace of a large corporate law firm. Indeed, in the preceding chapter, I identify how such skills *differ* from similar skills acquired through other sources, like work or social clubs, because they are learned and practised in a competitive environment similar to the workplace. As discussed by Burgess, Edwards, and Skinner (2003), that learning environment has been purposefully developed to create and reproduce hegemonic masculinity as (among other things) competitive. My analysis of empirical data shows that: (i) the gendered

experience of sport continues from children to adults; (ii) more men than women play organised team sports to compete against themselves and others; (iii) fewer women play organised, especially team, sport than men; and (iv) fewer men play social sport than women. Accordingly, more men, particularly middle-upper-class men—including early-career lawyers—benefit in the workplace from the structured competitive learning provided by sport. The following sections will support my claim that these differences contribute to the persistence (and reproduction) of gender inequality in the Firm.

The Firm as a field

There are informal and formal rules in the field—the Firm as a workplace. The capacity of early-career lawyers not only to compete but to perform in a competitive environment, is a “regularity” that is not mentioned in either the Firm’s graduate recruitment material or its career advancement toolkit. Yet the Firm’s hierarchical organisation is designed to encourage and reward that capability. Early-career lawyers are aware that they must be competitive. However, early-career lawyers who have developed their competitive skills through past participation in organised sport have advantages: they are practised at successfully managing their performance in a structured competitive environment; and they benefit from sport’s signalling effect—that people who are successful in competitive sport are also high performers in the workplace. These advantages are accessed by more male early-career lawyers, particularly those who identify as being from middle-upper-class backgrounds, because they have, significantly more than their female colleagues, played organised sport for the *purpose of competing*—against themselves as well as others. Women who develop a similar capability, also by playing sport to compete, are more likely than other women to improve their labour-market outcomes in terms of income and

leadership experience—by being what I call “workplace males”. In Bourdieu’s terms, they advance their careers as a *regulated liberty*—that is on masculine terms (Bourdieu and Wacquant 1992:131). As Thornton (1996:82) notes, the structure of “legal knowledge” is about maleness, the characteristics, including competitiveness, that Benchmark Man identifies with and values.

A sports network as social capital

One formal rule in this field requires partners to identify “superstars”—high talent early-career lawyers. However, there is an informal regularity to their identification process that leads the (mainly) male partners to identify superstars who are *like them*. Similar to the allocation of work opportunities, the process is biased towards *visibility*—“people you know or know of” are preferred. Visibility is created by having a network within the Firm, spanning age groups and organisation structure, which is formally valued as social capital in the field. Organised sport creates an advantage for male early-career lawyers because their greater (than women) participation enables increased visibility with important decision-makers. Male lawyers are better equipped to have easy conversations with partners and clients, which eventually provides them with the “keys to the boys’ club”. Additionally, the informal disciplinary processes within the field minimise the opportunities for women, whether they participate in sport or not, to develop a similar network with partners and clients. This adds to the already inferior quality of women’s sports networks, making them less valuable for accumulating social capital than men’s sports networks, due to their size (fewer women play organised sport); their tendency towards groups of similar ages (rather than different generations); their use for wellbeing (more than client making); and the under-representation of women in corporate leadership.

Soft skills are embodied cultural capital

The field formally values certain skills that early-career lawyers must demonstrate before consideration for promotion—improved field position. Early-career lawyers' *career trajectories are accelerated* where they have developed, through past participation in sport, certain transferable soft skills that are valuable as embodied cultural capital in the field. Their greater participation in sport, and in particular organised team sport, means that more males than females, have developed such capital, including:

Resilience. Organised sports participants, unlike social and non-sports participants, are already practised at: proactively seeking and responding to feedback about their performance, rather than waiting for supervisors to initiate discussion, or for annual performance reviews. They are also experienced at keeping feedback about their performance in perspective so they are not overwhelmed by criticism; and they respond to it as an opportunity to improve performance.

Teamwork. Organised team sports participants, unlike individual and non-sports participants, are practised at: understanding their role on a team and appreciating their colleagues' strengths and weaknesses; and performing in arenas where different personalities, distractions, and change are the norm.

Networking. Male sports participants, unlike women and non-sports participants, are already practised at: developing a network of valuable relationships that they leverage for business purposes.

Sport fashions habitus

Female early-career lawyers also develop embodied cultural capital through their different (to males) participation in, mainly, social sports. They are more likely to be empathetic with clients and colleagues, and to develop and use their sports networks for personal wellbeing rather than for client generation. Yet these forms of cultural capital are not valued highly by the field—even though empathy is said to be important in the Firm’s graduate information material, and wellbeing is a focus of the Firm. Additionally, women are practised, through their participation in sport generally, and informally by disciplinary practices in this field, to minimise and keep quiet about their sports participation, reinforcing their broader social conditioning to *avoid visibility*.

Capital acquires power

The field’s organisation structure, competitive dynamics, valuation of types of social capital and embodied cultural capital, favour male early-career lawyers—who develop their skills through participation in organised sport. They acquire improved field position, through *accelerated career trajectories and greater visibility*, earlier than their female contemporaries. In this way, female lawyers become under-represented in the pipeline producing the Firm’s future leaders—reversing the weight of numbers that advantage female early-career lawyers when they enter the Firm as graduates and Solicitors. Once they become partners in the Firm, male lawyers reproduce their domination by perpetuating the informal and invisible processes—*privileging visibility*—and valuing skills developed through past participation in organised, especially team, sports. In this way visibility acquired through the practice of embodied cultural capital and social capital, by mainly male early-career lawyers, is conflated with talent—it is symbolic capital, the most valuable of all capitals,

masquerading as competence. While disciplinary mechanisms exist to discourage women from using their sports participation to gain visibility, some women are able to advance their field position because they have acquired and accumulated capital on terms similar to their male counterparts—in sport and work—reinforcing rather than changing the maleness of the career success model in the field. Looked at strategically, women’s male-modelled career success can be viewed as undermining the main economic motivation for enabling gender equality in leadership roles—the ability of the Firm to access the diversity dividend. It is also inconsistent with the other primary motivation for equality in the workplace—social justice.

There is a better strategic response than simply encouraging women to participate in sport on masculine terms—to replicate men’s originary experience.³⁶ The hegemonically masculine workplace of large law firms could better enable gender *equality and diversity*, if leaders changed their internal decision-making processes. Rather than relying on early-career lawyers to create visibility for themselves, by purposely demonstrating their sports-acquired soft skills, partners in the Firm could look for star talent proactively and directly. My contribution in this chapter has been to identify the field and the social and embodied capital elements that are key to conceptualising this change.

³⁶ This is problematic because there is no evidence that either masculine or feminine ways of participating in sport are superior.

Concluding statements and future research

As Bourdieu notes:

This cognitive revolution would inevitably have consequences at the level of practice...If it is true that the principle of the perpetuation of this relationship of domination does not truly reside...within the domestic sphere...then a vast field of action is opened up for feminist struggles. (2001:4)

The purpose of my thesis is to contribute to the understanding of a puzzle—the persistence of gender inequality in the leadership of large corporate law firms in Australia. I have “studied up” and looked beyond domesticity to explore an original research problem that asks how power transfers from one hegemonically masculine field—sport—to another similarly dominated field—the economic domain of the workplace. I have developed, by appropriating Bourdieu’s social theory and analytical tools, a theoretical framework that has guided the design, analysis, and interpretation of my empirical research. By doing so, I have revealed additional mechanisms through which power transfers, and through which it reproduces—in the workplace of a large corporate law firm.

This masters-level thesis has necessarily, for time and space reasons, focussed on examining one aspect of the connection between past participation in sport and inequality in the workplace. In particular, the scope has been limited to specific categories of sports participation and gender inequality. Future research is needed to investigate whether there are other differences in sports participation, particularly those linked to types of high school attended, ethnicity, and sexuality, which might also have implications for diversity in the workplace. Additionally, research could be extended by comparing the Australian experience of sport with other locations—in particular the United States—where Title IX legislation ties federal funding of

education programs to equal access (including) to sports programs. Research is also needed to identify the transferable soft skills developed through participation in social sport—to determine whether (and how) that conventionally female type of participation generates value for the workplace. Further, the methods of research could also be extended, in particular by developing multivariate regression models to move beyond a bivariate analysis, and by studying the problem ethnographically. Finally, studies could move beyond large corporate law firms, comparing findings with similar size firms in other industries, to provide insight into the generalisability of the study.

The conclusions reached in this chapter culminate in my suggestion that partners in the Firm exploit instability in the field, arising from economic and social pressures to become diverse. By changing their decision-making processes for identifying star talent, they can themselves change the competitive dynamics in the field, creating symbolic capital for themselves as “change leaders”. This endorses and extends Bourdieu’s (2001:3-4) preferred strategy. He had suggested that feminists pursue action to identify and then dismantle structures and institutions that naturalise habitus as gendered, or that perpetuate the division of labour within the field of work. Here, sport is identified as a key element in the process of this naturalisation, and a specific strategy of dismantling its disadvantage for female recruits in the profession of law is marked out.

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Technical Appendix

TA1: Comparison of soft skills learned through sport valued by LLFG

LLFG Member	1	2	3	4	5	6	7	8	9
Collaboration	✓	✓	✓	✓	✓		✓	✓	✓
Innovation			✓		✓	✓	✓	✓	
Results-driven	✓		✓	✓			✓	✓	
Inspiration			✓	✓		✓		✓	
Opportunism	✓		✓	✓		✓		✓	
Striving to be the best/ Excellence	✓		✓		✓	✓	✓	✓	
Relationships/Networking	✓	✓	✓	✓	✓	✓	✓	✓	✓
Accountability/Responsibility	✓	✓	✓	✓	✓	✓	✓	✓	✓
Mentored/Coached	✓	✓			✓	✓	✓	✓	
Leadership			✓				✓	✓	
Teamwork	✓		✓	✓	✓	✓	✓	✓	
Flexibility		✓	✓		✓		✓	✓	
Productivity/Time management/Work ethic	✓	✓	✓	✓	✓	✓		✓	
Good decision making	✓					✓		✓	
Communication	✓	✓	✓	✓	✓	✓		✓	✓
Problem solving	✓		✓						
Confidence		✓			✓	✓			✓
Ambition	✓	✓			✓	✓	✓		✓
Resilient		✓					✓		
Empathy						✓			

Source: LLFG web sites and *True Sport* (USADA 2012).

TA2: Characteristics of lawyers interviewed

	Amy*	Bob*	Cathy*	Debbie*	Eric*	Fred*	Gabe*	Helen*
Job title	Sol.	Sol.	S.A.	Sol.	Sol.	S.A.	S.A.	Sol.
Type of sport participation	Team	Team	Team	Indiv.	Indiv.	Indiv.	Non	Non
Sex	Female	Male	Female	Female	Male	Male	Female	Female
English-speaking background?	Yes	No	Yes	Yes	Yes	Yes	No	No
Type of high school	Private	Private	Private	Private	Private	GPS	Private	Govt. Select.
Personality score:								
Extraversion	6	5	n/a	6.5	5.5	4.5	4	6
Agreeableness	5	6		5.5	4	5.5	5.5	4
Conscientiousness	7	6		5	6	7	6.5	7
Emotionally calm	6	6		7	3.5	6.5	5.5	5
Openness	4.5	3.5		5	5	5	4.5	4.5

*Aliases have been used to de-identify participants. Sol. = Solicitor, S.A. = Senior Associate, Indiv. = Individual

TA3: Examining personality as a counterfactual explanation

I investigate suggestions, raised during interviews, that personality might be a better explanation, than the gendered participation in sport, for inequality in the workplace. Most interviewees thought that decisions to participate in certain sports, and to work for large corporate law firms, might be driven by personality rather than gender. I investigated their claims by performing association analysis, using Spearman's Rho, on the LAWSTU sample. I assessed the strength and direction of associations between the Big Five personality types, openness; extraversion; agreeableness; conscientiousness; and emotional stability and: whether students aim to work for a large law firm or elsewhere in the legal profession; their favourite type of physical activity—exercise, individual sport, or team sport; whether they play organised or social sport; and if they play sport to compete. The following data (Table TA3) do not reveal any significant associations (at 95%, $p \leq .05$) between personality type and the different decisions regarding where law students in the sample aim to work, their type of sports participation, how they engage with sport, or if they play sport to compete. As such, the data does not lead me to reject the claim that gendered differences in participation in sport contribute to gender inequality in the workplace.

Table TA3: Personality as a counterfactual to gender (Spearman's Rho)

	Agreeableness	Openness	Extraversion	Conscientiousness	Emotionally Calm
Team sport, individual sport, or exercise	$r = -.076$; $p = .349$; $n = 153$	$r = -.117$; $p = .150$; $n = 153$	$r = -.110$; $p = .173$; $n = 154$	$r = -.154$; $p = .057$; $n = 153$	$r = .014$; $p = .864$; $n = 154$
Participating in organised or social individual sport	$r = .019$; $p = .860$; $n = 91$	$r = .173$; $p = .102$; $n = 91$	$r = .014$; $p = .898$; $n = 92$	$r = -.138$; $p = .190$; $n = 92$	$r = -.046$; $p = .662$; $n = 92$
Participating in organised or social team sport	$r = .057$; $p = .514$; $n = 134$	$r = .039$; $p = .654$; $n = 134$	$r = .104$; $p = .231$; $n = 135$	$r = .084$; $p = .335$; $n = 135$	$r = -.149$; $p = .085$; $n = 135$
Playing team sport to compete against myself is very important	$r = .060$; $p = .491$; $n = 135$	$r = -.012$; $p = .890$; $n = 135$	$r = -.043$; $p = .620$; $n = 136$	$r = -.082$; $p = .344$; $n = 136$	$r = -.027$; $p = .754$; $n = 136$
Playing team sport to compete against others is very important	$r = .155$; $p = .073$; $n = 135$	$r = .036$; $p = .679$; $n = 135$	$r = -.077$; $p = .375$; $n = 136$	$r = -.099$; $p = .249$; $n = 136$	$r = .027$; $p = .755$; $n = 136$
Playing individual sport to compete against myself is very important	$r = .108$; $p = .307$; $n = 92$	$r = -.032$; $p = .759$; $n = 92$	$r = -.096$; $p = .361$; $n = 93$	$r = .048$; $p = .651$; $n = 93$	$r = -.1078$; $p = .305$; $n = 93$
Playing individual sport to compete against others is very important	$r = -.028$; $p = .787$; $n = 93$	$r = .049$; $p = .640$; $n = 93$	$r = .006$; $p = .951$; $n = 94$	$r = .031$; $p = .765$; $n = 94$	$r = -.049$; $p = .641$; $n = 94$
Aim to work for a large law firm	$r = .110$; $p = .136$; $n = 186$	$r = -.055$; $p = .453$; $n = 186$	$r = .012$; $p = .874$; $n = 187$	$r = .097$; $p = .189$; $n = 186$	$r = -.110$; $p = .134$; $n = 187$
Academic results	$r = .021$; $p = .085$;	$r = -.127$; $p = .349$;	$r = -.094$; $p = .204$;	$r = .040$; $p = .588$;	$r = -.058$; $p = .435$;

qualify me to work for a large law firm	n = 185	n = 153	n = 186	n = 185	n = 186
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Source: LAWSTU

TA4: Interpreting the strength of association

Strength of Association	Gamma/Rho
None	0.00
Weak	$\pm 0.01-0.09$
Moderate	$\pm 0.1-0.29$
Evidence of strong association	$\pm 0.30-0.99$
Perfect, strongest possible, association	± 1.00

Source: <http://commons.esc.edu/spss/examining-relationships-among-variables/measures-of-association/>, Accessed 22 July 2015.

TA5: Gendered participation in types of physical activity—overall

Physical Activity	Females	Males	Total	Difference Z -Test
Team sport	63	110	175	$z = -5.410$; $p \leq .01\#$
Individual sport	220	301	529	$z = -7.140$; $p \leq .01\#$
Exercise	846	438	1,294	$z = 9.737$; $p \leq .01\#$
Leisure activities	8	40	48	$z = -3.860$; $p \leq .01\#$
None	368	286	663	$z = .067$; $p = .944$
Total	1,505	1,175	2,680	

Column is very significant at 99%; $p \leq .01$; interpreted according to order entered into calculator

Source: Overall AuSSA Sample

TA5a: Gendered participation in types of physical activity—students

Physical Activity	Females	Males	Total	Difference Z-Test
Team sport	62	29	91	$z = 1.589$ $p = .112$
Individual sport	27	28	55	$z = -2.662$ $p = .008##$
Exercise	8	0	8	$z = 2.227$ $p = .026\#$
Total	97	57	154	

Column is significant at 95%; $p \leq .05$; ## very significant at 99%; $p \leq .01$; interpreted according to order entered into calculator

Source: LAWSTU

TA6: Social class and gendered participation in sport

	Middle-Lower Females %	Middle-Lower Males %	Middle-Upper Females %	Middle-Upper Males %
Most frequent/important type of sport participated in:				
Team	60	60	64	46
Individual	28	40	29	54
Exercise	12	0	7	0
n = 151 Total	100	100	100	100
Competitive team sport is most frequent/important:				
Organised	45	67	65	90
Social	55	33	35	10
n = 133 Total	100	100	100	100
Competitive individual sport is most frequent/important:				
Organised	60	100	64	95
Social	40	0	36	5
n = 90 Total	100	100	100	100
Participating in sport helps me to receive and respond to feedback about my performance:				
Strongly Agree	33	18	30	47
Agree	53	64	48	35
Disagree	13	18	22	15
Strongly Disagree	0	0	0	3
n = 114 Total	100	100	100	100
Participants who favour team sports believe that participating in sport				

helps them to receive and respond to feedback about their performance:				
Strongly Agree	40	14	28	41
Agree	40	71	42	41
Disagree	20	15	30	12
Strongly Disagree	0	0	0	6
n = 70 Total	100	100	100	100
Participants who favour individual sports strongly agree that participating in sport helps them to receive and respond to feedback about their performance:				
Strongly Agree	25	25	39	53
Agree	75	50	61	29
Disagree	0	25	0	18
Strongly Disagree	0	0	0	0
n = 38 Total	100	100	100	100
Participants who favour team sports think sport as a source of skills for getting a good job in the legal profession is:				
Very Important	7	38	13	32
Quite Important	20	25	36	32
Not Very Important	27	25	33	16
Not At All Important	47	12	18	21
n = 87 Total	100	100	100	100
Participants who favour individual sports think sport as a source of skills for getting a good job in the legal profession is:				
Very Important	17	20	20	50
Quite Important	67	40	30	9
Not Very Important	0	20	30	23
Not At All Important	16	20	20	18
n = 53 Total	100	100	100	100

Source: LAWSTU

TA6 continued: Social class and gendered participation in sport

	Lower-Middle- Class Females - Males Difference Z-test	Upper-Middle- Class Females - Males Difference Z-test
Type of activity: Exercise Individual Sport Team Sport	z = 1.385; p = .165 z = -.785; p = .435 z = 0; p = 1.00	z = 1.751; p = .080 z = 2.630; p = .009## z = 1.847; p = .064
Individual sports: Social v Organised	z = .061; p = .952	z = .096; p = .920
Team sports: Social v Organised	z = 1.189; p = .234	z = 2.716; p = .006##
Playing team sport to compete is important: vs self vs others	z = 2.177; p = .032 z = -1.435; p = .150	z = -2.865; p = .004## z = 1.613; p = .11
Playing individual sport to compete is important: vs self vs others	z = .229; p = .818 z = 1.508; p = .131	z = -1.620; p = .105 z = .679; p = .497

Source: LAWSTU; ## CI at 99%; $p \leq .01$; n varies by category; z interpreted according to order entered into calculator

TA7: Association analysis: Gross annual income, gender and sport (Spearman's Rho)

	Total Subset Gross Annual Income (High to Low)	Women Only Gross Annual Income (High to Low)	Men Only Gross Annual Income (High to Low)
Gender (male to female)	$r_s = .311$; $p = .000$ # $n = 496$	n/a	n/a
Playing sport to compete (very important to not important at all)	$r_s = .175$; $p = .031$ # $n = 152$	$r_s = .259$; $p = .008$ # $n = 104$	$r_s = -.199$; $p = .174$ $n = 48$
Type of physical activity (team to individual to exercise)	$r_s = .133$; $p = .098$ $n = 156$	$r_s = .013$; $p = .893$ $n = 105$	$r_s = .029$; $p = .839$ $n = 51$
Engage with sports association (weekly to never)	$r_s = .066$; $p = .405$ $n = 161$	$r_s = -.013$; $p = .895$ $n = 109$	$r_s = .185$; $p = .190$ $n = 52$
Frequency of physical activity participation (daily to never)	$r_s = .076$; $p = .345$ $n = 158$	$r_s = .089$; $p = .361$ $n = 108$	$r_s = .059$; $p = .686$ $n = 50$

Column is significant at 95%; $p \leq .05$; direction of association has been interpreted according to direction of ordinal ranking.

Source: AuSSA (2007) subset sample

TA8: Most Important Soft Skills for Getting a Good Job

Ranking	Women	Men
1	Strategic/Good Decision Making	Strategic/Good Decision Making
2	Networking	Self Confidence
3	Self Confidence	Teamwork
4	Teamwork	Networking
5	Resilience	Resilience

Source: LAWSTU; $n = 188$; responses were reverse scored (student rating of 1 as most important was scored 5, of 2 was scored 4, and so on), scores were summed to produce a Top 5 list.

TA8: Top 5 skills for career success in the Firm

Ranking	Bob	Cathy	Debbie	Eric	Fred	Gabe
1	Problem Solving	Resilience	Cooperation	Results driven	Problem solving	Strategic/Good decision-making
2	Teamwork	Strategic/Good decision-making	Competitive	Accountability	Resilience	Results driven
3	Self-Confidence	Teamwork	Self-Confidence	Empathy	Networking	Leadership
4	Ambition	Problem solving	Resilience	Self-confidence	Teamwork	Networking
5	Resilience	Networking	Teamwork	Problem solving	Leadership	Resilience

Source: Interviews; Amy and Helen thought all of the skills were very important.

Appendix 1: Interview schedule

Research Question	Solicitors asked to reflect on their own careers and experience	Senior Associates asked to reflect on their own careers and experience and those of their staff
How valuable is past participation in sport as an indicator of career potential?	<ul style="list-style-type: none"> • Discuss your past participation in sport. • What skills, beyond sport technique, did you develop? • What other activities have you participated in that develop those kinds of skills? • What's been the more important source for developing those skills? • How have you communicated those skills in resumes or job interviews? • How do those skills indicate your potential in the workforce? 	<ul style="list-style-type: none"> • What skills are you looking for as indicators of potential amongst your colleagues? • What types of evidence do you look for of those skills? • How do lawyers use their past participation in sport to manage their careers? • Thinking about lawyers who you look up to, how important have skills developed through past participation in sport been compared with other activities?
What skills does past participation in sport contribute that are valued in the workplace?	<ul style="list-style-type: none"> • What skills (beyond technical legal skills) do you need to practice law here? • How does your past participation in sport help (or not) you to do that? (examples) • Whether you see yourself as having an advantage compared with peers who don't have a similar background with sport? (examples) 	<ul style="list-style-type: none"> • What are the most important skills you need (beyond technical legal skills) to practice law here? • How does past participation in sport help/hinder? (examples) • Whether you see people as having an advantage or a disadvantage from developing those skills through their past participation in sport? (examples)
How are those skills practiced in the workplace for career advantage?	<ul style="list-style-type: none"> • What skills do you need to manage your career/get promotions here? • How does your past participation in sport help you to do that?(examples) • Whether you see yourself as having an advantage or disadvantage compared with peers who don't have a similar background in sport? (examples) 	<ul style="list-style-type: none"> • What skills do you need to manage a career/get promotions here? • How are these skills different from those needed to successfully practice law here? • How do you test for both sets of skills (or ability to use those skills differently) during interviews? • How do you see young lawyers learning to manage (or managing) their careers here? • Whether (and why) there are differences in how they do that? • Whether past participation in sport is an advantage or a disadvantage? (examples)

Research Question	Solicitors asked to reflect on their own careers and experience	Senior Associates asked to reflect on their own careers and experience and those of their staff
<p>Whether past participation in sport creates gendered differences in the practice of those skills in the workplace?</p>	<ul style="list-style-type: none"> • How does work get assigned here? • How do you find out about opportunities to get onto the best projects or teams here? • How do you go about getting yourself access to those opportunities? • How do you find out about opportunities to work with or meet the 'right people' here? • How do you go about getting yourself access to those opportunities? • How do you go about building connections with clients (develop a book of business)? • How do you go about getting noticed here as someone with potential? • Where do you learn how to do that? • Where did you develop the skills to do that? • How do you do that differently to male/female peers? • Why do you think there's a difference? • Whether past participation in sport makes a difference? 	<p>How do you see other lawyers:</p> <ul style="list-style-type: none"> - Finding out about opportunities to get onto the best projects or teams here? • Getting access to those opportunities? • Finding out about opportunities to work with or meet the 'right people' here? • Getting access to those opportunities? • Going about building connections with clients to develop/manage a book of business? • Getting noticed as someone with potential? <p>What differences do you notice about how males and females go about doing this?</p> <p>What differences do you notice about the use of skills developed through past participation in sport versus other activities in managing careers?</p>

Appendix 2: Survey

March/April, 2015

A survey of LAW555: Class of 2015

**Understanding the non-academic skills used by early
career lawyers for their career success**

Author: Jodie Skellern (jodie.skellern@students.mq.edu.au)
Supervisors: Dr. Judy Lattas (ph. 9850 7947) and Dr. Shaun
Wilson (ph. 9850 8620),

Sociology/Gender Studies Department,
Macquarie University.

Ethics Approval Ref: 5201400978(R)

**This survey has been approved by Macquarie University's
Research Ethics Committee (Ref: 5201400978(R)).**

*Please be assured that your responses to this survey are confidential and
anonymous.*

Thanks for taking this voluntary survey; **it won't take long** at all.

First of all, thinking about your future career in law

Q1.1 Where are you **aiming to work after graduation?** (Select **only 1**
option)

- ☐ Courts or Tribunals
- ☐ Crown Prosecutor/Public Defender
- ☐ Bar
- ☐ In-house for a corporate
- ☐ In-house for a government
- ☐ In-house for a not-for-profit organisation
- ☐ Large private law firm with 30+ partners/principals
- ☐ Medium private law firm with 11-29 partners/principals
- ☐ Small private law firm with 2-10 partners/principals
- ☐ Private law firm as a sole practitioner
- ☐ Community legal centre/service
- ☐ Universities
- ☐ Other (please specify) _____

Q1.2 What are the main areas of the law that you intend to practice? (Select up to 3 options)

- ☐ Administrative Law
- ☐ Advocacy
- ☐ Banking/Finance
- ☐ Civil Litigation
- ☐ Commercial Law
- ☐ Conveyancing/Real Property
- ☐ Corporate Law
- ☐ Criminal Law
- ☐ Debts/Insolvency
- ☐ Employment/Industrial Law
- ☐ Environmental Law
- ☐ Family Law
- ☐ Immigration Law
- ☐ Information Technology/Telecommunications Intellectual Property
- ☐ Litigation - general
- ☐ Personal Injury
- ☐ Planning/Local Government
- ☐ Small Business
- ☐ Taxation
- ☐ Trade Practices Law
- ☐ Wills and Estates
- ☐ Other (please specify) _____
- ☐ Not applicable to my situation

Q1.3 Now... please **rank the five** (5) most valuable non-academic skills that you believe are needed for getting a job in law. Rank them in the order of their importance (with **1 being the most important** and **2 being the second most important**, and so on...)

- _____ Cooperation
- _____ Ambition
- _____ Self-Confidence
- _____ Networking (includes relationship building)
- _____ Empathy
- _____ Leadership
- _____ Team-work
- _____ Strategic/tactical thinking (includes good decision making)
- _____ Resilience (includes dealing with adversity)
- _____ Results driven
- _____ Accountability (includes receiving and responding to performance feedback)

Q1.4 Thinking about yourself ... how important were each the following for developing the **TOP RANKED** (no .1) skill that you identified above?

	Very important	Quite important	Not very important	Not at all important
School	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
University	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Family	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Summer clerk/Internship	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Work experience	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Volunteering	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sport	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Drama or Music Society	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Debating Club	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Political party or activist group	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Church or religious group	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please specify) _____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q1.5 And ... how important were the following for developing the **SECOND RANKED** skill (no. 2) that you identified above?

	Very important	Quite important	Not very important	Not at all important
School	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
University	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Family	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Summer clerk/Internship	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Work experience	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Volunteering	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sport	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Drama or Music Society	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Debating Club	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Political party or activist group	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Church or religious group	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please specify) _____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q1.6 During an interview for a job (in law) have you discussed your sport experience as an example of applying your non-academic skills?

- ☐ Yes
- ☐ No

Now for your thoughts on a few statements...

Q2.1 To what extent do you agree or disagree with the following statements?

	Strongly Agree	Agree	Disagree	Strongly Disagree
Career success in the legal profession favours people who focus on themselves rather than the team	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
You need more than a great academic record to get a good job in the legal profession	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Playing a competitive team-sport like football or netball helps you get ahead in a legal career	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Doing a competitive individual sport like swimming or athletics helps you get ahead in a legal career	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Keeping fit through exercise like yoga, dance classes or gym workouts helps you get ahead in a legal career	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Competitive people succeed in the legal profession	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Being a competitive male is still an advantage in the legal profession	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sporting connections are valuable for a legal career	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
School connections are valuable for a legal career	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
School connections are more important for a legal career than sport connections	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q2.2 The following personality traits may or may not apply to you. Please indicate the extent to which you agree or disagree with each statement. You should **consider the extent to which each pair** of traits applies to you, **even if** one of the characteristics applies more strongly than the other. I see myself as....

	Agree strongly	Agree moderately	Agree a little	Neither agree nor disagree	Disagree a little	Disagree moderately	Disagree strongly
Extraverted, enthusiastic	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Critical, quarrelsome	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Dependable, self-disciplined	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Anxious, easily upset	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Open to new experiences, complex	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reserved, quiet	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sympathetic, warm	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Disorganised, careless	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Calm, emotionally stable	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Conventional, uncreative	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Source: Gosling, Samuel D, Peter J. Renfrow, William B. Swann Jr., (2003) 'A very brief measure of the Big-Five personality domains,' *Journal of Research in Personality*, 37:504-528.

About you and sport

Q3.1 Which sports have you **played regularly** through school and/or university? Please indicate up **three** (3) sports by writing the name of the **most important** sport to you next to Sport 1, the **second most important** next to Sport 2, and so on...

Sport 1 _____

Sport 2 _____

Sport 3 _____

OR, None _____ **GO TO Q5.1**

Q3.2 Do you mention sport in your resume or CV?

- ☐ Yes
- ☐ No **GO TO Q4.1**

Q3.3 How do you refer to your participation in sport in your resume or CV (select **each option** that applies)?

- ☐ As a hobby
- ☐ As evidence of your skills
- ☐ As evidence of your achievements

Q3.4 Playing sport has taught me how to receive and respond to feedback about my performance. Do you...

- ☐ Strongly agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly disagree

About you and **competitive team sports** like football, cricket, basketball, netball...

Q4.1 Which of the following best describes how you participated in **competitive team sports** during school and/or university?

- ☐ I did not participate at all **GO TO Q4.5**
- ☐ I participated at school, but only because it was compulsory **GO TO Q4.5**
- ☐ I participated at school and enjoyed it
- ☐ I participated at school and continued at university
- ☐ I took it up at university

Q4.2 During school or university did you **mainly** play **competitive team sport** for...

- ☐ An organised club competition, or
- ☐ A social competition

Q4.3 In deciding to play **competitive team sports**, how important are the following....

	Very important	Quite important	Not very important	Not at all important
Improving my physical wellbeing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Improving my looks	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Competing against others	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Competing against myself	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Making new friends	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Improving my mental wellbeing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Networking and making new connections	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Personal development useful in other areas of life	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q4.4 How often have you played **competitive team sports** over the last 12 months?

- ☐ Never
- ☐ Less than once a month
- ☐ Once a month
- ☐ 2-3 times a month
- ☐ Once a week
- ☐ 2-3 times a week
- ☐ Daily

Now, turning to you and **competitive individual sports** that aren't usually played in teams, like swimming, athletics, squash...

Q4.5 Which of the following best describes how you participated in **competitive individual sports** during school and/or university?

- ☐ I did not participate at all **GO TO Q5.1**
- ☐ I participated at school, but only because it was compulsory **GO TO Q5.1**
- ☐ I participated at school and enjoyed it
- ☐ I participated at school and continued at university
- ☐ I took it up at university

Q4.6 During school or university did you **mainly** play **competitive individual sport** for...

- ☐ An organised club competition, or
- ☐ A social competition

Q4.7 In deciding to participate in **competitive individual sports**, how important are the following....

	Very important	Quite important	Not very important	Not at all important
Improving my physical wellbeing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Improving my looks	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Competing against others	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Competing against myself	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Making new friends	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Improving my mental wellbeing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Networking and making new connections	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Personal development useful in other areas of life	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q4.8 How often have you participated in **competitive individual sports** over the last 12 months?

- ☐ Never
- ☐ Less than Once a Month
- ☐ Once a Month
- ☐ 2-3 Times a Month
- ☐ Once a Week
- ☐ 2-3 Times a Week
- ☐ Daily

Now for some information about you....

Q5.1 How active are you in **each** of the following?

	Very active	Just a member	Not at all
School Alumni	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
University Alumni	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Volunteering/Community Organisation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sports Club	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cultural Clubs (e.g. drama, music, poetry, history)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Debating Club	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Political party or activist group	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Church or religious group	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q5.2 Have you ever worked in a **summer clerk or intern** program in a law firm/practice?

- ☐ Yes
- ☐ No

Q5.3 Have you had any **other paid employment** while you've been studying for your law degree? (**Select all** that apply)

- ☐ Yes - within the legal profession
- ☐ Yes - not within the legal profession
- ☐ No

Q5.4 What is your current **overall** academic average?

- ☐ High Distinction (85+)
- ☐ Distinction (75-84)
- ☐ Credit (65-74)
- ☐ Other (64 or below)

Q5.5 Where did you go to high school?

- ☐ Australia
- ☐ Other (please specify) _____ **GO TO Q5.7**

Q5.6 What type of high school did you attend?

- ☐ Private
- ☐ GPS
- ☐ Government school
- ☐ Catholic
- ☐ Selective government school
- ☐ Other (please specify) _____

Q5.7 Are you...?

- ☐ Male
- ☐ Female

Q5.8 How old are you?

- ☐ < 25 years
- ☐ 25-29 years
- ☐ 30-34 years
- ☐ over 34 years

Q5.9 About my parents....

- ☐ Both my parents have had a professional career (in law, medicine, accounting, etc.)
- ☐ One of my parents has had a professional career (in law, medicine, accounting, etc.)
- ☐ Neither of my parents has ever had a professional career

Q5.10 Do you and your family identify as...

- ☐ Upper class
- ☐ Upper middle class
- ☐ Lower middle class
- ☐ Working class
- ☐ Lower class

Q5.11 Do you come from an English speaking background?

- ☐ Yes
- ☐ No

THANK YOU FOR COMPLETING THIS SURVEY

Please complete the next page if you would like some further information about my research

Would you like...

Q6.1 A copy of....

- ☐ The research report for this survey (available in May 2015)?
- ☐ The executive summary of my examined thesis (available in January 2016)?

Q6.2 Please provide your email address so I can email you a copy of the material you have requested

APPENDIX 3: FINAL ETHICS APPROVAL

From: Faculty of Arts Research Office artsro@mq.edu.au
Subject: Final Approval - 5201400978(R)
Date: October 29, 2014 at 10:58 AM
To: Dr Justine Lloyd justine.lloyd@mq.edu.au
Cc: Faculty of Arts Research Office artsro@mq.edu.au, Dr Judy Lattas judy.lattas@mq.edu.au, Dr Shaun Wilson shaun.wilson@mq.edu.au, Ms Jodie Skellern jodie.skellern@students.mq.edu.au

Dear Dr Lloyd

Re: 'Be a Sport! Connecting past participation in sport and the persistence of gender inequality in the legal profession'

The above application was reviewed by the Faculty of Arts Human Research Ethics Committee. Approval of the above application is granted, effective (29/10/2014). This email constitutes ethical approval only.

If you intend to conduct research out of Australia you may require extra insurance and/or local ethics approval. Please contact Maggie Feng, Tax and Insurance Officer from OFS Business Services, on x1683 to advise further.

The following personnel are authorised to conduct this research:

Dr Judy Lattas
Dr Justine Lloyd
Dr Shaun Wilson
Ms Jodie Skellern

Please note the following standard requirements of approval:

1. The approval of this project is conditional upon your continuing compliance with the National Statement on Ethical Conduct in Human Research (2007).

2. Approval will be for a period of five (5) years subject to the provision of annual reports.

Progress Report 1 Due: 29th October 2015

Progress Report 2 Due: 29th October 2016

Progress Report 3 Due: 29th October 2017

Progress Report 4 Due: 29th October 2018

Final Report Due: 29th October 2019

NB. If you complete the work earlier than you had planned you must submit a Final Report as soon as the work is completed. If the project has been discontinued or not commenced for any reason, you are also required to submit a Final Report for the project.

Progress reports and Final Reports are available at the following website:
http://www.research.mq.edu.au/for/researchers/how_to_obtain_ethics_approval/human_research_ethics/forms

3. If the project has run for more than five (5) years you cannot renew approval for the project. You will need to complete and submit a Final Report and submit a new application for the project. (The five year limit on renewal of approvals allows the Committee to fully re-review research in an environment where legislation, guidelines and requirements are continually changing, for example, new child protection and privacy laws).

4. All amendments to the project must be reviewed and approved by the Committee before implementation. Please complete and submit a Request for Amendment Form available at the following website:
http://www.research.mq.edu.au/for/researchers/how_to_obtain_ethics_approval/human_research_ethics/forms

5. Please notify the Committee immediately in the event of any adverse effects on participants or of any unforeseen events that affect the continued ethical acceptability of the project.

6. At all times you are responsible for the ethical conduct of your research in accordance with the guidelines established by the University.
research in accordance with the guidelines established by the University.
This information is available at the following websites:

<http://www.mq.edu.au/policy/>

http://www.research.mq.edu.au/for/researchers/how_to_obtain_ethics_approval/human_research_ethics/policy

If you will be applying for or have applied for internal or external funding for the above project it is your responsibility to provide the Macquarie University's Research Grants Management Assistant with a copy of this email as soon as possible. Internal and External funding agencies will not be informed that you have approval for your project and funds will not be released until the Research Grants Management Assistant has received a copy of this email.

If you need to provide a hard copy letter of approval to an external organisation as evidence that you have approval, please do not hesitate to contact the Faculty of Arts Research Office at ArtsRO@mq.edu.au

Please retain a copy of this email as this is your official notification of

ethics approval.
Yours sincerely
Dr Mianna Lotz
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