

CULTURAL CAPITAL, GENDER, AND THE STRUCTURAL TRANSFORMATION OF LEGAL PRACTICE

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In this article we clarify and modify Marxian and postindustrial predictions about the structural transformation of the legal profession, especially as they relate to gender differences in the law firm. In doing so, we utilize the concept of cultural capital and highlight the changing gender stratification of legal practice. We find that there is a growing centralization and concentration of cultural capital in law firms, so that both men and women are losing their proportionate shares of partnership positions in the profession, but with women losing more than men. The greatest growth in the profession has been at the middle and lower levels of larger firms, and women are especially likely to be represented in these locations. Women experience their worst partnership prospects in smaller firms, which suggests that male-dominated smaller firms are especially resistant to modifying the work roles assumed by men and women in the profession. We conclude that gender stratification is an important part of the structural transformation of legal practice.

Although the term human capital (see Becker 1964; Mincer 1970) is used largely to refer to technical skills acquired through education and experience and applied in many kinds of work settings, the focus of this article is on nontechnical social and symbolic assets, including client relations and professional reputations, accumulated and applied as cultural capital (see Bourdieu 1977; DiMaggio and Mohr 1985) in the organization of law firms (cf. Gilson and Mnookin 1985; Galanter and Palay 1988, 1991). Our thesis is that concentrations of cultural capital in the partnerships of firms are producing a structural transformation and a new gender stratification of the legal profession. Marxian (e.g., Wright and Singelmann 1982; Wright and Martin 1987) and postindustrial (e.g., Touraine 1971; Bell 1973) theories can inform us about these developments; but of equal importance is what the transformation of

This research was supported by a grant from the Social Sciences and Humanities Research Council of Canada and by a Killam Research Fellowship for the first author from the Canada Council.

LAW & SOCIETY REVIEW, Volume 25, Number 2 (1991)

legal practice can tell us about the changing place of cultural capital and gender in contemporary class relations. The importance we attach to legal practice derives from (1) the grounding of law in cultural symbols; (2) the role of legal symbols in mediating class relations and conflicts; and (3) the impact of concentrations of cultural capital in reestablishing gender boundaries within this prominent profession.

CULTURAL CAPITAL AND THE STRUCTURE OF LEGAL PRACTICE

The cultural content Weber added to the Marxian theory of class relations likely reflected an appreciation of the power of legal symbols that derived from his training in law. However, even Weber would probably have been surprised at the extent to which legal practice has today become a powerful professional service industry (Rueschemeyer 1973; Stinchcombe 1979).

The essence of law as a professional service is the ordering of transactions and the avoidance and/or resolution of conflict by the manipulation of symbols. Bourdieu (1977:188) writes that the role of law is to “symbolically consecrate . . . the structure of the power relation between groups and classes” and that “law thus contributes its own (specifically symbolic) force to the action of the various mechanisms which render it superfluous constantly to reassert power relations by overtly resorting to force.” The information flows involved in these symbolic transactions form the cultural base of the profession, and the transmission of this symbolic knowledge is what is involved in teaching law students “to think and act like lawyers” (Zemans and Rosenblum 1981; Macaulay 1982). The conflict dimension of these transactions long kept law a male preserve, leading MacKinnon (1986) to call legal practice “the ultimate male power role.” Today this power role increasingly involves lawyers in structuring and restructuring the relations of advanced capitalism, through bankruptcy, merger, acquisition, and other kinds of commercial arrangements. A theory of contemporary legal practice must account not only for the dramatic growth of the legal profession over the past several decades but also for the recent and large-scale entry of women into law, as well as for the variable advancement of women in this profession, which increasingly serves the particular needs of advanced capitalism.

The theoretical orientation we propose begins with relations of labor and capital in the production of law as a cultural commodity (cf. Balbus 1977) marketed through contractual relations between producers and consumers. These contractual relations have shifted from a mode of legal production organized largely around solo practitioners, to a mode of production more often organized around law firms with partners and tiered levels of lawyer em-

ployees. In short, the legal profession has come to have its own class structure (Hagan et al. 1988).

Our knowledge of the transition from self-employment and small-firm organization to larger firms is limited by the uncertain quality of historical data on the decline of solo practice and the growth of firms. However, Curran et al. (1985) estimate that in the United States the proportion of lawyers who practice law alone fell from 64 percent in 1960, to 52 percent in 1970, to 49 percent in 1980. Abel (1989) estimates that while in 1948, 64 percent of all lawyers practiced by themselves, only 37 percent did so by 1970, and 33 percent by 1980. Only 16 percent of Chicago lawyers practiced by themselves in 1975 (Heinz and Laumann 1982), while about 12 percent did so in Toronto in 1985 (Hagan et al. 1988). Alternatively, there were only 38 U.S. law firms with more than 50 lawyers in the late 1950s (Smigel 1969), while there were 508 firms this size by the mid-1980s (Curran 1986). Galanter (1983:153) describes this as a trend toward "mega-lawyering," and it is now common to note that the dominance of larger firms has segmented lawyers into what Heinz and Laumann (1982; see also Nelson 1983) call the two hemispheres of the profession, in which major corporations usually are represented by large firms, while small businesses and individuals usually are represented by small firms or by lawyers practicing alone.

Law firms centralize and concentrate the cultural capital of the profession. They do so by aggregating lawyers and rationalizing the use of labor and capital. Thus Galanter and Palay (1988) observe that firms centralize four kinds of assets: education, experience, reputation, and clients. Education and experience produce a mixture of human and cultural capital (see Robinson and Garnier 1985:254n.), while professional reputation and client relations are predominantly cultural in content. Together, human and cultural capital form the legal capital of the profession.

The key to the formation and growth of firms is that cultural capital often grows faster than human capital. That is, individual lawyers and firms often develop excess cultural capital, especially reputational and relational capital, which leads to engaging the labor of other lawyers as nonpartner associates. As Galanter and Palay (1988) explain, this process is at the core of the formation of firms, because rather than requiring a simple marketplace for the exchange of labor and capital, the sharing of these capital assets requires the organization of trust relations (see also Macaulay 1963). This makes the cultural form of legal capital especially important.

Bourdieu (1977:182) notes that like families, professions such as law and medicine share a "hypersensitivity to the slightest slur or innuendo" and that such institutions develop a "multiplicity of strategies designed to belie or avert them." He explains this

by the fact that symbolic capital is less easily measured and counted than land or livestock and that the group, ultimately the only source of credit for it, will readily withdraw that credit and direct its suspicions at the strongest members, as if in matters of honour, as in land, one man's greater wealth made the others that much poorer. (Ibid.)

So it is the cultural form of legal capital, especially its reputational and relational forms, that generates a hyper (but nonetheless rational) sensitivity to potential devaluation. Cultural capital is vulnerable in ways that other forms of capital are not.

Gilson and Mnookin (1985) point to three sources of vulnerability lawyers and firms face in engaging the labor of other lawyers: their propensity to shirk responsibilities, grab assets, and/or leave. Firms are organized into partner-associate tiers that use subordinating and monitoring mechanisms to protect the cultural capital of the firm and its partners while of course simultaneously extracting a profit from the labor of the employed lawyers.

A human capital perspective can be used to explain why law firms grow and have come to dominate the profession. We will add a cultural dimension to this argument and then explore its implications for women. The human capital argument is that each time an "associate" lawyer is made a partner in a firm, as must at least sometimes occur to maintain an incentive structure to recruit into this professional labor market, new employees must be added in an exponential fashion to maintain the profit base. The effect is to generate what Galanter and Palay call a partner-associate pyramid.

Assuming a sufficient pool of capital, the broader the base of this pyramid the better. Thus Stewart (1983:376) writes:

The key to profitability in such firms is the partner/associate ratio and "pyramid" staffing of client matters. There must be more associates than partners—the bigger the disparity the better—since the firms make money from associates by billing their clients for their work at rates which more than compensate for associate salaries and overhead.

The desirability of pyramiding is recognized in large firms. Thus Abel (1989:124) reports: "In the United States, the ratio of associates to partners rises from 0.25 for firms with 2 to 5 lawyers to 1.04 for firms with more than 50. In the 50 largest U.S. firms, the ratio rose from 1.1 in 1975 to 1.6 in 1979; that year it was 2.36 in the 10 largest New York City firms."

However, the growth dynamic that has characterized large law firms in recent decades also has a cultural dimension. We noted the special sensitivity of cultural capital to insults and innuendos. A common response to this sensitivity in the 1970s and 1980s was to demonstrate vitality through growth, which involved increased competition, diversification, merger activity, lateral movement, and intensified recruitment efforts; that is, to increasing concen-

trations of centralized cultural capital. The structure of this growth involved many new activities, involving the provision of fuller services to corporate clients, such as bankruptcy, merger, and acquisition work that prominent firms would not have undertaken fifteen years ago. The structure of this growth also involved new forms of competition, including corporate clients choosing lawyers and firms for particular matters rather than for full representation.

Professional periodicals like the *National Law Journal* and the *American Lawyer* regularly recorded stories of new associate and summer student-recruitment programs and related merger and acquisition activities that resulted from the pace of this growth dynamic. Against this backdrop were less frequent stories of firms that failed, that grew too fast, diversified too much, or extended too far or too quickly. And so there was a constant concern with monitoring growth, assuring that new associates and partners were responsible, trustworthy, working hard and ultimately focusing on whether prospective partners could generate sufficient new cultural capital to sustain growth.

Beginning in the 1960s, the production of new lawyers did not keep pace with the expanding cultural capital of firms. This was so despite the fact that between 1960 and 1980 the numbers of lawyers doubled in both the United States (Halliday 1986) and Canada (Hagan 1990b). The fact that up to 1960 the lawyer population grew at about the same rate as the general population and then doubled in relation to population over the next two decades provides recent support for the increased role of law and lawyers predicted by Durkheim and Weber under conditions of advanced capitalism. This growth of the legal profession in absolute terms and relative to population size seems to have accelerated in the 1980s (see below); it is also apparent in the corporate, government, and firm sectors of the profession. Government growth presumably reflected increased regulatory and administrative responsibilities.

ENTRY OF WOMEN INTO LAW

In the United States, Canada, and most other advanced capitalist societies, the number of women lawyers has increased over the past several decades, from about 10 percent to in North America over 40 percent of graduating law school classes (Abel 1986; Curran 1986). Abel (1989:100) points out that in the 1970s the increases in the numbers of women law students accounted for virtually all of the increases in the numbers of law students. He reports: "Male entry to the profession also declined after 1973, and all further expansion represents new women lawyers." Between the early 1960s and early 1980s in Canada, the number of male law students doubled, while the number of female students increased twenty-four times (see Arthurs et al. 1988). Even assuming a level-

ing off, women should make up about a third of the profession in most Western nations by the year 2000 (Morello 1986). Currently, nearly 20 percent of all practicing lawyers in the United States and Canada are women. Women first entered the profession through government and family firms (Chester 1985), but more recently they also have entered through larger firms (Epstein 1981).

The recent influx of women into the profession has been attributed to the women's movement, changes in birth control and longevity, increasing availability of higher education, and variations in the availability of traditional women's jobs (Abel 1988:35; Menkel-Meadow 1989b:305). The enormous increase of women in the legal profession in many countries, including the United States and Canada, occurred at a time in which the profession itself was growing at a tremendous rate (Menkel-Meadow 1989a:206). During this time, the profession relinquished control of supply to the universities and to the state that supports them. The university became the dominant institution, displacing or reducing the importance of apprenticeship (Abel 1988:35; 1989:95). The changing roles of the university and of women reduced social barriers to law and made it possible for women to enter the profession in rising numbers (Abel 1988:35).

PREDICTING PROFESSIONAL CLASS DEVELOPMENT

Postindustrial and Marxian theories suggest complimentary as well as competing predictions about the structural transformation of the profession, while a cultural capital perspective is helpful in bringing these predictions together and in developing their implications for the new gender stratification of legal practice.

First, Marxian theory (e.g., Wright and Singelmann 1982) predicts that the structural transformation of the economy will result, presumably in law as elsewhere, in a declining ratio of capital to labor; that is, the (cultural) capital of the profession held by partners in firms will form a shrinking proportion of the profession, while the labor is performed by a proportionally increasing pool of largely nonautonomous employees.

Some of the predictions of postindustrial theory are less certain. Wright and Singelmann (1982) suggest that postindustrial theory as well predicts a decline in the ownership sector, but Steinmetz and Wright (1989) suggest a possible exception to this in the form of growth in the number of small firms and, by implication, of partnerships in small firms. Of greater interest, however, is the unambiguous prediction made by postindustrial theory of growth in the middle levels of the economy and, as a consequence, in the middle ranks of the legal profession as well. The argument is that the information and technology demands that drive the formation of a "new class" in postindustrial theory require employees that have new and more rewarding levels of autonomy. Marxian

theory also predicts growth in the private and government managerial sectors, but with persons in these positions largely assuming responsibility for the management of a growing nonautonomous class. The result is that where Marxian theory predicts an expanding professional class lacking in autonomy, a kind of burgeoning professional proletariat, postindustrial theory predicts the expansion of a more autonomous class occupying a contradictory position between managers and nonautonomous employees, with the latter class expected to decline.

There is, however, a further possibility: that *all* classes of employed lawyers could in relative terms grow, while employer (i.e., capital) classes decline through a centralization and concentration of partnerships, thus reducing the relative size of the partnership class within the legal profession. A focus on cultural capital makes this outcome seem more likely by emphasizing the sensitivity of firms to the perceived need to grow *and* to provide *some* mobility for new recruits in the process. Ironically, then, a theory of cultural capital implies more intense periods of centralization and concentration of legal capital (i.e., in response to anxieties about perceived position as well as profitability) than does an orthodox Marxian framework, while allowing for limited upward mobility as well. Firm growth and individual mobility are connected macro- and micro-level components of the concentration of cultural capital in professions such as law, and this makes it important to simultaneously consider, as we do below, macro- and micro-level changes in the profession.

But what of women? Although Marxian theory sometimes (e.g., Wright et al. 1982) has highlighted the joint effects of class and gender on stratification outcomes, MacKinnon (1989) and others (Young 1981; Hartmann 1981) have noted a tendency of Marxian analyses to marginalize gender issues. That is, at the same time that Marxian analyses criticize the exclusion of women from the power centers of society, they also tend to place women at the periphery of theoretical concerns. However, as we explain next, we believe the introduction of the concept of cultural capital can make the logic of a joint consideration of gender and class more meaningful as well as more relevant to a profession like law.

Recall that the accumulation of cultural capital in firms requires a combination of growth *and* control. Both are required to maintain the position of cultural capital, which may be more precarious than other forms of capital, and which is therefore perceived as highly vulnerable. Growth of the law firm sector therefore requires an educated and motivated, yet compliant pool of labor. Now consider an insight that MacKinnon (1989:80) observes results from combining the Marxian critique of woman's place in society and the feminist critique of the Marxian marginalization of women. This insight is that "so long as women are excluded from socially powerful activity, . . . women will be valued only for the

ways they can be used." Our point is that women in particular may have been used to play a vital demographic role in the centralization and concentration of cultural capital that is transforming the legal profession.

That is, for the past several decades, women may have been seen to represent a convenient maximization of several possibilities: The numbers of women lawyers have grown steadily in tandem with demand, there are some indications that women are even slightly better educated and motivated than men (Epstein 1981), and women are perceived and may actually even be more compliant than men (see Hagan et al. 1987)—that is, in terms used earlier, women may be less likely than men to "shirk" responsibilities and/or "grab" assets. (Women do leave practice at higher rates than men, often in response to pressures of work and family, but these departures usually are not harmful to firms in ways suggested by the expression "shirk, grab, and/or leave.") Perhaps most importantly, the latter compliance may be translatable into an acceptance of lower levels of compensation and mobility (Hagan 1990a), providing a hedge on spiraling demands for rewards. Popular discussions of "the mommy track" and the common assumption that women are socialized to be less aggressive than men and to be less willing to uproot and otherwise unsettle their families may all contribute to this tendency. A cultural capital perspective therefore predicts that the concentration of legal capital that we have described should exert its predicted effects even more strongly on women than on men.

The possibility that the concentration and centralization of legal capital exerts its effects more strongly on women than men is, of course, consistent with concerns expressed about the advancement of women in this profession. Carrie Menkel-Meadow (1989a, 1989b) has noted that simple increases in the number of women in the profession are only one of several meanings that can attach to discussions of the feminization of law, and that even at this fundamental level important questions remain to be answered. Catharine MacKinnon (1986) effectively articulates one such question when she asks if only exceptional women will rise in the hierarchy of the legal profession, or if average women will do as well as average men. More specifically, Menkel-Meadow (1989a:208) observes that it is important to uncover "the places and rates of female attrition, failure or discouragement." We respond to such concerns in the following empirical exploration of the structural transformation and gender stratification of contemporary legal practice.

STUDYING LAWYERS

Specific kinds of data are required to explore the kinds of predictions made by Marxian, postindustrial, and cultural capital perspectives. Considerable micro-level detail is required to locate individuals correctly in terms of the positions they occupy in the structure of the profession, and further information is required on how individuals are distributed across these positions at different points in time. No single data set of this kind exists for the study of lawyers. This is not surprising, since this is also true in the study of social stratification more generally. We apply a strategy developed in the literature on social stratification, where data sets are combined to study changes in the class structure over time (see Wright and Singlemann 1982).

We combine data from a 1985 survey of lawyers in Toronto (henceforth TS) with data gathered for 1977 and 1988 from records of the Law Society of Upper Canada (henceforth LSRs). This enables us to chart changes in the structure of legal practice for men and women in Toronto over about the past decade. Toronto is Canada's financial and legal center, and approximately one-quarter of Canada's lawyers are concentrated in this city (Arthurs et al. 1971:500). More than 2,000 of the 8,000 lawyers in Toronto are in firms of 20 lawyers and larger. As Galanter (1983:21) notes, "The attraction of this style of lawyering is not confined to the United States. In recent years, the American big firm became a model for firms in Canada, Australia, and England." As Heinz and Laumann (1982:28) say for Chicago, we too can say for Toronto, that "we know of no reason to believe that its bar will be unrepresentative in fundamental respects of those in other large American [Canadian, English, etc.] cities with diversified economies."

The current study builds on a previously developed (see Hagan et al. 1988) typology of the class structure of legal practice in Toronto. This typology is summarized in Table 1, which separates lawyers into managing partners, supervising partners, partners in small firms, solo practitioners, managing/supervising lawyers, semiautonomous lawyers, and nonautonomous lawyers. Table 1 summarizes criteria used to place lawyers in these categories. For example, managing partners are in an ownership or employer relation (i.e., they are partners), in a medium to large firm (i.e., ten or more employees), where they exercise sanctioning (e.g., deciding promotions, raises, etc.) or task (e.g., giving directions) authority, participate directly in decisionmaking, and have two or more levels of subordinates other than secretaries below them.

Perhaps the least familiar of these categories are the semiautonomous and nonautonomous lawyers. These lawyers are associates in firms or employees of governments or businesses where they have no supervisory responsibilities or levels of employees below them other than secretaries. The distinction between semiau-

Table 1. A Class Typology of Legal Practice

A. Operational Typology of the Class Structure of the Legal Profession^a

Class Position	Ownership Relation	No. of Employees	Decision-making Authority		Autonomy	Hierarchical Position
Managing partner in medium to large firm	Employer	≥10	1-2	1-3	X ^b	1-2
Supervising partner in medium to large firm ^c	Employer	>10	1-2	1-3	X	1-2
Partner in small firm	Employer	2-9	X	X	X	X
Solo practitioner	Employer	0-1	X	X	X	X
Managing/supervising lawyer	Employee	X	1-3	1-5	X	1-3
Semiautonomous lawyer	Employee	X	4 ^d	X	1-2	4
Nonautonomous	Employee	X	4	X	3-4	4

^a Definitions of the operational criteria appear in Panel B of this table.

^b X: criterion not applicable.

^c Respondents without task and sanctioning authority or without decisionmaking responsibility are classified as nonmanaging partners.

^d "Nonmanagerial decisionmakers": people who make decisions but have no subordinates and are classified as "nonmanagement" in terms of levels of supervision were merged with semiautonomous employees (if they are autonomous) or workers (if they are nonautonomous) throughout.

B. Distribution of Criteria Used in Typology

	%		%
A. Ownership relation		4=Does not directly participate but provides advice	17.3
Employer = partner/solo practitioner	53.5	5=Does not directly or indirectly participate in decisionmaking	12.1
Employee = other	46.5	E. Hierarchical position	
B. No. of employees (for employers only)		1=No level above respondent/two or more levels below	24.9
0-1	16.9	2=Two or more levels below respondent	10.0
2-9	29.2	3=One level below respondent	59.3
10-29	15.2	4=No level below respondent	5.8
30+	38.7	F. Autonomy	
C. Authority		1=Designs all or most important aspects of work	58.7
1=Sanctioning authority	37.7	2=Designs some important aspects of work	29.0
2=Task authority	2.7	3=Designs a few important aspects of work	7.7
3=Nominal supervision	0.2	4=Not required to design aspects of work	4.7
4=Nonsupervisor	62.9		
D. Decisionmaking			
1=Directly participates in all or most policy decisions	44.6		
2=Directly participates in some policy decisions	15.0		
3=Directly participates in at least one area of decisionmaking	11.0		

tonomous and nonautonomous lawyers is in terms of whether the lawyer involved designs some aspects of his or her work, for example, in terms of putting one's ideas into practice.

The 1985 TS maps a class structure of Toronto's legal profession that is consistent with research done elsewhere. In 1985 the city's legal profession was dominated by older, Anglo-Saxon Protestant males with degrees from elite law schools, practicing corporate and commercial law for predominately corporate clients. Our interest here is in how this class structure is changing. However, the TS data were collected at a single point in time. The LSR data chart changes in the gender, experience, and employment of lawyers between 1977 and 1988, but without the refined class categorizations derived from the survey. So we linked the two data sets (see Wright and Singlemann 1982).

The LSRs for all Toronto lawyers practicing in 1977 and 1988 were coded to parallel the TS in terms of gender, experience, and type of employment, as noted below. The data sets were linked by creating (separately for women and men lawyers) identical cross-classifications of four types of employment and three categories of experience with the TS and the LSRs for 1977 and 1988. The types of employment were: partner; associate; solo practitioner; and government, corporate or industry employee. The categories of experience were zero to five, six to eleven, and twelve or more years since Call to the Bar. Our focus on type of employment and work experience was premised on our desire to take into account the shift from solo to firm practice and the growth of the government/corporate/industry sector of the profession, as well as shifts in the age and experience composition of the profession. We then used the TS to determine the class distribution of each employment-by-experience grouping. We compute these distributions by summing across employment and experience groupings within male and female LSRs for the respective years. Wright and Martin (1987) note that two defensible assumptions are involved in this kind of procedure: (1) that there is no difference between the TS and the LSRs in terms of the class composition of each employment-experience grouping; and (2) that the class distributions within cells of the employment-by-experience table do not change between 1977 and 1988. These assumptions allow us to impute the class composition of each employment-experience grouping, based on the TS, for each employment-experience grouping in the two LSRs. Wright and Martin (1987:10–11) observe that the assumptions embedded in this set of estimation procedures undoubtedly introduce various kinds of bias. For example, age may be related differently to experience for men and women. However, they also point out that the focus in this kind of analysis is on transformations in class structure rather than on the absolute distribution of the labor force into classes. The significance of this is that even if the estimates for each year were quite biased, these biases would have had to *change*

significantly *across* the two data points for our estimates of patterns of change to be seriously distorted. Since we use the same estimation procedure for each year, this seems unlikely.

We use the linked data in Table 2 to estimate 1977 and 1988 class distributions of men and women lawyers. Table 2 supports our speculation above about the centralization and concentration of cultural capital by indicating that the class structure of the profession has expanded at the lower and middle levels, while it has contracted at the top. The proportion of male lawyers in the lower semiautonomous and nonautonomous groupings increased from about 23 percent to 33 percent, and the proportion of female lawyers in these groupings increased from about 47 percent to over 58 percent. There was also growth for men and women in managerial/supervisory positions. However, the patterns of *contraction* differ for men and women: The female decline in partnerships is most marked in small firms, while the proportionate declines of male lawyers across partnerships and solo practice are quite uniform. Overall, of course, a much smaller proportion of women than men are partners. For example, in 1988 nearly 17 percent of men, compared to less than 6 percent of women, were managing partners. Below we address gender differences in individual-level likelihoods and rates of partnership. However, we first further consider aggregate changes in partnership shares within genders between 1977 and 1988.

Table 2. Changes in the Class Structure of Men and Women Lawyers in Toronto, 1977–1988

	Men Lawyers				Women Lawyers			
	1977		1988		1977		1988	
	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%
Managing partners	777	20.5	1,108	16.9	16	6.4	101	5.5
Supervising partners	574	15.5	795	12.2	15	6.0	90	4.9
Partners in small firms	669	18.2	993	15.2	35	13.9	104	5.6
Solo practitioners	550	14.5	663	10.1	35	13.9	150	8.1
Managing/supervising lawyers	339	8.9	849	13.0	32	12.8	325	17.6
Semiautonomous lawyers	672	17.7	1,629	24.9	79	31.5	735	39.9
Nonautonomous lawyers	215	5.7	500	7.7	39	15.5	337	18.3
Total	3,796	100.0	6,537	100.0	251	100.0	1,842	100.0

NOTE: See Table 1 for operationalization of class; percentages may not add to 100 because of rounding.

Aggregate changes within genders in partnership shares might reflect changes in the experience composition of men and women lawyers, as many young lawyers entered the profession over this period. However, because by 1977 women had already entered the profession in large numbers and with few predecessors, by 1988 their aggregate age actually increased, while in the aggregate male lawyers became younger. So women should actually have increased their partnership shares between 1977 and 1988, while men should have declined, although not as much as they did. We use a

shift-share procedure that we describe next to take these expected class trajectories into account.

A SHIFT-SHARE ANALYSIS OF CLASS AND EXPERIENCE

A shift-share analysis (Wright and Singelmann 1982) can be used to explore the patterns of changing class distributions of lawyers across and within experience groupings from 1977 to 1988. As applied here, this procedure separately divides the overall decade-long shift in the class distribution of men and women lawyers into three components: a "trajectory shift effect," which is the result of changes in the experience composition of men and women lawyers; "a class shift effect," which corresponds to changes in the class distributions of men and women lawyers within experience groupings; and an "interaction shift effect," resulting from combined changes in the relative size of the experience groupings and in the class categories within these groupings.

The shift-share procedure is built on comparisons of the class distributions implied by hypothetical class-by-experience tables that are constructed with actual class distributions. For example, to calculate the trajectory shift for women lawyers in Toronto between 1977 and 1988, we assume that the class distribution of women lawyers *within* experience groupings remained the same between the two points in time, but that the division of women lawyers *across* experience groupings changed as it actually did. A class-by-experience table is then generated using these assumptions and the actual size of the female lawyer population in 1977. The resulting hypothetical estimates of the sizes of the class categories are then compared with the actual sizes of those classes, and the differences between the figures are the trajectory shift effects due to changes in the experience composition in the female lawyer population. Similarly, the class shift effect is obtained by allowing the class distribution to change as it actually did between 1977 and 1988, while assuming that the distribution across experience groupings remained the same. The interaction shift effect is the remaining change in the size of each class, net of the female lawyer population of Toronto. The results of this decomposition are summarized in Table 3, using 1977 class populations as the base of comparison.

The results of our shift-share analysis presented in Table 3, columns (7) and (8), again reveal that both men and women experienced total net declines in their proportionate representation in the employer classes of the profession made up of partners in firms and solo practitioners; and both as well experienced proportionate increases in the employee classes of the profession made up of managers, supervisors, semiautonomous, and nonautonomous lawyers. Columns (1) and (2) of Table 3 isolate the portion of these shifts that can be attributed to the changing experience composi-

Table 3. Decomposition of Changes in the Class Structure of Men and Women Lawyers in Toronto as Percentage of 1977 Class Populations

	Class Trajectory Shift		Class Composition Shift		Interaction Shift		Total Net Change	
	<i>N</i> ^a	% ^b	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
A. Men Lawyers								
Managing partners	68	8.8	-261	-33.6	-38	-4.9	-231	-29.7
Supervising partners	37	6.5	-193	-33.6	-37	-6.5	-193	-33.6
Partners in small firms	67	10.0	-222	-33.2	-5	-0.9	-160	-27.9
Solo practitioner	-22	-4.0	-182	-33.1	-79	-14.4	-283	-51.5
Managing/supervising lawyers	-4	-1.2	272	80.2	-3	-0.9	265	78.2
Semiautonomous lawyers	-100	-14.9	443	65.9	129	19.2	472	70.2
Nonautonomous lawyers	-46	-21.4	143	66.5	33	15.3	130	60.5
B. Women Lawyers								
Managing partners	17	106.3	-43	-268.8	13	81.3	-13	-81.3
Supervising partners	10	66.7	-41	-273.3	12	80.0	-19	-126.7
Partners in small firms	-24	-68.6	-102	-291.4	-25	-71.4	-151	-431.4
Solo practitioners	-11	-31.4	-103	-294.3	9	25.7	-105	-300.0
Managing/supervising lawyers	30	93.8	58	181.3	-1	-3.1	87	271.9
Semiautonomous lawyers	-21	-26.6	157	198.7	15	19.0	151	191.1
Nonautonomous lawyers	-1	-2.6	74	189.7	-23	-59.0	50	128.2

^a Entries are changes in the number of people in a given category net of overall population changes in the labor force, so that each column sums to zero.

^b Entries are net shifts as a percentage of the 1977 population figures for the class.

tion of men and women lawyers and, therefore, to aggregated age-related class trajectories. As expected, the trajectory shift effect increased the representation of men and women as managing and supervising partners, and it decreased the representation of both as semiautonomous and nonautonomous lawyers. However, there also are notable differences by gender. Although the experience-based trajectory shift effect increased the representation of men as partners in small firms by 10 percent, it actually *decreased* this representation for women (-68.6 percent); and while the class trajectory shift had little effect on the representation of men as managing/supervising lawyers, it substantially *increased* this representation for women (93.8 percent).

Column (3) of Table 3 presents class composition shifts net of shifts in experience and resulting class trajectories. The figures in this column make clear that the broad contours of structural change resulting from the centralization and concentration of partnerships—combining great growth in the profession with a proportionate shrinking of the employer and expansion in the employee classes—are *not* simply a result of the large number of less experienced lawyers who have joined the profession. Moreover, these class effects are especially pronounced for women, so that while the partnership classes are decreased by about one third for men, among women these class categories decreased by up to nearly 300

percent; and while the employee classes increased from 65 to over 80 percent for men, among women these class categories increased by nearly 200 percent.

The most striking overall change revealed in Table 3 is the proportionate reduction of women as partners in small firms: this change consists of an overall decline of 431.4 percent for women, compared to a decline of 27.9 percent for men. It is especially noteworthy that this decline involved *both* class trajectory and class composition shifts. Thus women in medium and large firms have worse mobility prospects than men, but the mobility prospects of women in small firms are especially poor. That is, the effects of centralization and concentration of partnerships are more pronounced for women than men, and they are especially pronounced for women in small firms. To assure that our findings are not an artifact of changes in the government/corporate sector of the profession, these analyses were replicated with the latter sector deleted, with little change in results.

These patterns are striking in the aggregate, but they would be even more compelling if observed as well at the level of individual careers; for as we noted earlier, changes in the profession are made up of both micro- and macro-level shifts in its class and gender composition.

AN ANALYSIS OF INDIVIDUAL MOBILITY ROUTES

We now use the TS data alone to consider mobility routes that individual men and women followed from the start of their careers to the time of the 1985 survey, focusing on movements to partnership, or, in other words, into the employer class. Given our findings with regard to centralization and concentration above, we might expect that, at the individual level, women would do more poorly than men in achieving partnerships in the larger firms but nonetheless better than women in smaller firms. Our analysis of the 1985 TS is organized around covariates presented in Table 4. Logit is used to estimate models of the *likelihood* of becoming a partner, and event history analysis is used to estimate the *time taken* to achieve partnership.

Our logit models must be restricted to individuals who start out in firms that offer prospects of partnership. However, the event-history models have the capacity to consider not only respondents who have not become partners (right censored observations) but also respondents who started out in settings where partnership was not possible (left censored observations). To the extent the logit and event-history models generate substantively harmonious results, our confidence in them should be increased.

A range of individual attributes and structural characteristics are considered in both analyses beginning with gender (women = 1), age (in years), ethnicity (dummy variables for Jews and WASPS),

Table 4. Descriptive Statistics for Cross-sectional and Dynamic Models

	Firm Sample				Full Sample							
	All Ages (N=640)		Men (N=316)		Women (N=324)		All Ages (N=963)		Men (N=457)		Women (N=506)	
	Mean	(S.D.)	Mean	(S.D.)	Mean	(S.D.)	Mean	(S.D.)	Mean	(S.D.)	Mean	(S.D.)
Individual measures:												
Gender	.51	(.50)	—	—	—	.08	(.28)	.52	(.24)	—	.07	(.26)
Lawyer parent	.10	(.30)	.12	(.32)	.08	(.28)	.08	(.27)	.09	(.29)	.07	(.26)
Age	36.60	(8.60)	39.76	(9.89)	33.51	(5.61)	36.88	(8.45)	40.06	(9.83)	34.00	(5.60)
Jewish	.21	(.41)	.23	(.42)	.20	(.40)	.20	(.40)	.22	(.41)	.18	(.38)
WASP	.28	(.45)	.28	(.45)	.28	(.45)	.26	(.44)	.27	(.44)	.26	(.44)
Elite education	.11	(.32)	.13	(.33)	.10	(.30)	.09	(.29)	.11	(.32)	.08	(.26)
Marital status	.68	(.47)	.78	(.42)	.59	(.49)	.65	(.48)	.76	(.43)	.56	(.50)
Work commitment	.21	(.40)	.21	(.41)	.20	(.40)	.21	(.41)	.21	(.41)	.21	(.41)
No. of children	.99	(1.24)	1.47	(1.37)	.53	(.89)	.95	(1.23)	1.39	(1.38)	.55	(.90)
No. of maternity leaves	.04	(.24)	—	—	.07	(.34)	.04	(.24)	—	—	.07	(.33)
Specialization status	6.24	(9.1)	6.23	(9.5)	6.26	(8.7)	6.17	(9.0)	6.20	(9.3)	6.14	(8.6)
Discrimination by client	.12	(.33)	—	—	.23	(.42)	.11	(.31)	—	—	.20	(.40)
Discrimination by firm	.04	(.21)	—	—	.09	(.28)	.05	(.21)	—	—	.08	(.28)
Firm leave policy	.15	(.37)	.17	(.37)	.13	(.34)	.15	(.36)	.17	(.38)	.13	(.34)
Corporate clientele	2.77	(1.29)	2.83	(1.25)	2.72	(1.32)	2.56	(1.36)	2.68	(1.32)	2.46	(1.38)
Mobility routes:												
Within larger firm	.43	(.50)	.38	(.49)	.48	(.50)	.29	(.45)	.26	(.44)	.31	(.46)
From larger firm	.06	(.24)	.08	(.28)	.03	(.18)	.04	(.20)	.06	(.24)	.02	(.15)
To larger firm	.09	(.28)	.09	(.29)	.08	(.27)	.10	(.30)	.10	(.30)	.10	(.30)

and education (a dummy variable that combines elite training at the University of Toronto or Osgoode Hall law schools and a self-reported standing of A in course work). Familial measures include whether a parent was a lawyer (yes=1), marital status (married=1), number of maternity leaves (0–5), and number of children (0–6). A measure of work commitment (Bielby and Bielby 1984) asks whether respondents expect to attain the most satisfaction in life from their careers or other factors and is coded as a dummy variable (work commitment = 1), as are individual experiences of women with sex discrimination, which are measured with items asking for self-reports of incidents that involve clients or employers denying access to cases on the basis of gender (occurrence of denial = 1 for both variables). Two further work-related attributes include a continuous measure of the prestige of the specialization area of the first job, and a quartile measure of work currently done for corporate clients. There is also a structural measure of whether the employer has a maternity leave policy (yes=1).

Our mobility route variables focus on job changes between entry and destination in firms. They focus on whether the respondent's first job was in a firm of more than twenty lawyers and on whether the respondent is still in such a firm in 1985. The cutoff point for this variable approximates the threshold of a large firm. As Galanter (1983:5) notes, "The big firm consists of a large number of lawyers—just how large depends on place and time." Curran et al. (1985:13–14) report that as of 1980 there were almost 50,000 U.S. lawyers in firms of twenty-one or more, and they made up 9.2 percent of all lawyers. Abel (1989:123–24) uses a twenty- as well as a fifty-lawyer division in his analysis of large firms. Adam and Baer (1984) select a cutoff point of twenty in their Canadian study, while Heinz and Laumann (1982) adopt a cutoff point of thirty in their U.S. research. The closeness of these decisions probably reflects an attempt to find a split that is distinctive but that still includes a significant part of the lawyer population. We follow Able, Curran et al., and Adam and Baer in adopting a cutoff of twenty. The median number of lawyers in the resulting larger firms of our sample is seventy.

Three dummy variables that represent alternative mobility routes in the profession are created from (1) respondents who start and stay in larger firms of more than twenty lawyers (labeled "within larger firms"), (2) those who start in a larger firm but move out of this sector ("from larger firm"), and (3) those who start outside and move in ("to larger firms"). Lawyers for whom neither entry nor destination is through a larger firm serve as the comparison for the above dummy variables.

Results summarized in Table 5 again generally confirm our speculation above about effects of the centralization and concentration of cultural capital in the legal profession. With age and

Table 5. Determinants of Partnership for Men and Women Lawyers

Variable	Likelihood of Being a Partner ^a			Rates of Transition to Partnership ^b		
	All	Men	Women	All	Men	Women
Individual measures:						
Gender	-.50 (.22)**	—	—	0.74**	—	—
Lawyer parent	.09 (.32)	.12 (.43)	.53 (.50)	1.35	1.42	1.37
Age	.10 (.01)**	.08 (.02)**	.14 (.03)**	0.92**	0.92**	0.90**
Jewish	.60 (.24)**	.71 (.33)**	.59 (.36)**	1.50**	1.48	1.93
WASP	.05 (.23)	.08 (.34)	.17 (.34)	1.05	1.00	1.93
Elite education	.27 (.30)	.27 (.41)	.50 (.45)	1.25	1.16	1.38
Marital status	-.11 (.24)	.24 (.36)	-.39 (.33)	0.97	1.21	0.87
Work commitment	-.16 (.25)**	-.14 (.34)	-.06 (.40)	1.04	0.94	1.48
Children	.33 (.11)	.37 (.14)**	.29 (.19)	1.20**	1.25**	0.99
Maternity leaves	.25 (.36)	—	.41 (.41)	0.69	—	0.76
Specialization status	.10 (.11)	.28 (.16)*	-.12 (.17)	1.01	1.10	0.88
Client case denial	.86 (.33)**	—	.78 (.36)**	2.03**	—	2.14**
Firm case denial	-.65 (.54)	—	-.66 (.57)	0.67	—	0.52**
Firm leave policy	.39 (.27)	.36 (.37)	.60 (.42)	1.32	1.37	1.61
Corporate clientele	.27 (.09)	.25 (.13)*	-.07 (.14)	1.12	1.11	1.17
Mobility routes:						
Within larger firm	.83 (.25)**	.65 (.36)*	1.05 (.39)**	8.27**	6.36**	13.67**
From larger firm	-.16 (.43)	-.53 (.51)	.66 (.79)	0.98	0.82	1.32
To larger firm	1.05 (.37)**	.48 (.51)	1.47 (.56)**	5.52**	4.88**	6.94**
Constant	-5.57	-6.70	-5.93	0.02	0.01	0.03

^a Logit coefficients with standard errors in parentheses.

^b Coefficients expressed as antilogs of estimated parameters.

other variables constant, the antilog of the gender coefficient in the logistic regression indicates that the odds of a woman being a partner are 0.61 of a man, or 39 percent less than a man [$100(e^{-.50} - 1) = .39$]. In column (2) of Table 5 we see that for men, starting and staying in the larger firm sector compared to the smaller firms is the only career route that significantly improves chances of partnership. The odds of these men being partners are nearly twice (1.92) those of men who start and stay in smaller firms. Women who follow this larger firm route (col. [3]) are nearly three times (2.86) more likely to be partners than women who start and stay in smaller firms, and women who move into the larger firm sector from smaller firms are more than four times (4.14) more likely to be partners. However, the greater gain women experience from movement into and within larger compared to smaller firms is relative to their poorer prospects compared to men in both sectors, especially in the smaller firm sector.

This can be shown with probability estimates of partnership for selected mobility routes. As opposed to moving between larger and smaller firms, the most common career routes for women and men lawyers involve starting and staying within the larger firm sector (38 percent and 48 percent, respectively) or outside (45 percent or 41 percent, respectively) of this sector. In other words, there is relatively little movement between sectors (see also Heinz and Laumann 1982). Gender-specific probabilities of partnership for alternative mobility routes are estimated by setting values of the other variables in the men and women lawyer equations at their means. With experience and other variables constant, 61 percent of the men who start and stay in larger firms are partners, compared to 39 percent of the women; 45 percent of the men who start and stay in smaller firms are partners, compared to 16 percent of the women. So women lawyers gain more than men from careers in larger firms, but even in these firms their probabilities of partnership are low compared to men.

Other factors make partnership significantly more likely for men, including increments in specialization status, corporate clientele and, most notably, having children. These factors do not significantly affect the partnership prospects of women lawyers.

Event-history models of transition to partnership produce similar results. The antilogs presented in this part of Table 5 are multipliers of temporal rates of change from first position to partnership; values greater than 1.0 reflect increases in these rates, and values less than 1.0 reflect decreases. The coefficient for gender in the pooled model indicates that women move to partnership about 26 percent more slowly than men. In the gender-specific models, the mobility route effects again stand out, and again women's careers appear more sensitive to these movements than are men's careers. Finally, number of children again works to the advantage of men but not women.

Both the logit and event-history findings are consistent with our speculation above and our aggregated analysis of centralization and concentration of partnerships: overall, women are disadvantaged relative to men, and they are especially disadvantaged if they stay in smaller firms. The consistency of the finding that having children enhances the partnership prospects of men but not women is striking. When men lawyers have children it is perhaps taken as an indicator of stability and commitment to family *and* work. Alternatively, when women have children it may be taken as an indicator of a commitment to family that weakens commitment to work (but see Bielby and Bielby 1988). This apparent double standard merits further study.

DISCUSSION AND CONCLUSIONS

This article is concerned with major changes that have occurred in the legal profession over the past several decades and with what these changes can tell us about the places of cultural capital and gender in contemporary class relations. Because the legal profession has grown so fast, because women have joined this profession in such large numbers, because this profession depends so heavily on cultural symbols and the centralization and concentration of cultural capital, and because law is such a prominent profession, what we can learn about the transformation of legal practice is likely to have great significance.

Marxian and postindustrial theories provide insights into the structural transformation of legal practice. Both theories suggest that a centralization and concentration of ownership positions in the legal sector, as elsewhere, will result in a smaller proportion of lawyers holding ownership positions (partnerships) in the large firms that will increasingly dominate the profession. However, while Marxian theory as well predicts an expansion in a nonautonomous professional proletariat at the base of the profession, postindustrial theory predicts the expansion of a more autonomous class that occupies a contradictory position between the nonautonomous and managerial levels of the profession, with the former nonautonomous class expected to decline. We have suggested that a focus on the role of cultural capital in legal practice makes a further possibility even more likely: namely, that *all* classes of employed lawyers are growing, while the employer classes are declining through a centralization and concentration of partnerships. This focus emphasizes the sensitivity of firms to the perceived need to *both* grow *and* provide some mobility to new recruits, since this process involves, after all, not the simple accumulation of physical capital, but rather the coordination and control of professionally trained manipulators of cultural symbols, and a resulting centralization and concentration of cultural capital. Ironically, the logic of the growth process in large firms seems to require that the

ratio of partners to associates remain low so that new associates will perceive room for expansion in the ownership class. We have suggested that in the last decade young women lawyers have come to be seen as compliant and controllable participants in the growth process and that they may therefore have been even more affected than men by the processes we have described.

Macro- and micro-level analyses of data presented here are consistent with these expectations. At the macro level, these analyses confirm that the broad contours of structural change that are occurring in the legal profession have, as the cultural capital perspective predicts, involved a centralization and concentration of partnerships which combines a proportionate shrinking of the employer classes and an expansion of all the employee classes, not just a nonautonomous class of employed lawyers. These changes are also, as expected, especially pronounced for women. A further finding that we did not anticipate is that while women are more affected than men by their declining partnership shares in larger firms, this is especially true in smaller firms. Aggregate adjustments for changing experience distributions and employment in the government and industrial sectors do not change this picture. Finally, the same general picture of men prevailing over women in partnership decisions, especially in smaller firms, emerged in a separate micro-level analysis of the individual careers of men and women lawyers.

If the picture we have presented is accurate, it depicts a changing legal profession in which both men and women are losing their proportionate shares of partnership positions but with women losing more than men. The tremendous growth in the legal profession has taken the form of larger firms dominated by proportionately fewer lawyers. The greatest growth has been in the managerial, semiautonomous, and nonautonomous levels of firms, with women especially likely to be represented at these levels. Alternatively, the greatest contraction is in the low representation of women as partners in smaller firms. This may either result from the failure to grant partnerships to women in smaller firms, or from the movement of women away from employment in these firms, or most likely from a combination of both of these trends. In any event, the large-scale movement of women into larger firms marks a major change in the gender stratification of the profession, in that while women once were shunned by and avoided large firm practice, these firms are now destinations of choice, at least as points of entry. Yet the culture of these firms, which is still dominated by men, does not yet treat women as equal to men, and the findings of this study are consistent with the thesis that lower levels of compensation and mobility for women are providing a hedge against spiraling demands for rewards that are accompanying the centralization and concentration of cultural capital in larger firms. The earnings differentials of women and men in this

Toronto sample are quite striking (see Hagan 1990a). A new gender stratification is emerging in conjunction with the structural transformation of this prominent profession.

Several decades ago there were so few women practicing law that it would have made little sense to engage in the kind of analysis presented here. However, monitoring the emerging contours of this rapid change is only a beginning. Observation of these changes provokes new and different questions, for example, about how the changing place of women in the profession is influencing their everyday work as well as that of men, and as to how all of this might be altering the more general social organization of law firms (see Menkel-Meadow 1989b). We know even less about such questions than we do about the changing demographic profile of lawyers.

However, our findings do at least suggest some hypotheses. For example, our findings about the movement of women away from smaller and toward larger firms and other bureaucratic settings suggest that the male-dominated smaller firms may be especially resistant to modifying the work roles assumed by men and women in the profession.

Supplementary cross-tabulations to the multivariate analyses presented above indicate that the largest proportion of women who began practice in small firms but who were not made partners remained in these firms as associates seven and more years later. So it seems doubtful that much change is occurring in these firms. It is also, of course, important to learn more about the kinds of gender-linked accommodations and compromises that are being reached in larger firms. Many of the women made partners in larger firms may be in restricted types of partnership arrangements, sometimes referred to by special designations such as tax partners, "non-equity" partners, junior partners, and the like. Some women who did not make partner in these firms also seem to have stayed on as associates in these firms. We are currently undertaking a five-year follow-up survey to examine in greater detail the kinds of work and family arrangements women and men lawyers in our sample are pursuing as their careers unfold.

Meanwhile, there is no certainty that the legal profession will continue to grow as it has over the past several decades, that shifts in the economic cycle will continue to operate on this profession as they have in the past, or that the results of this research can be generalized to other settings. In short, there is much that remains to be learned about the structural transformation of legal practice.

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