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**THE EXPECTATIONS AND EXPERIENCES OF  
WORKING-CLASS LAW STUDENTS AT A 'NEW'  
UNIVERSITY**

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**A thesis submitted to the University of Huddersfield in  
partial fulfilment of the requirements for the degree of  
Doctor of Education**

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## **Abstract**

This research investigates the experiences and expectations of working-class law students at a 'new' university. It critically examines the influence of cultural, social, linguistic and academic capital on working-class law students and their chances of success in the legal labour market. Statistics show that the number of working-class students beginning a legal education continues to grow despite the rising cost of qualification; continuing class prejudice and decline in number of training contracts and pupillages. With supply consistently exceeding demand in a middle-class dominated legal labour market, working-class students face ongoing and increasing difficulties in negotiating the barriers to entry, often with very little chance of success.

This thesis presents the findings from a case study employing semi – structured interviews and focus groups used to collect qualitative data. Bourdieu's theories on class, field and habitus are used to illuminate the findings and the data. Students describe their thoughts and experiences about their legal education and their attempts to enter the legal labour market; about why they chose to study law and why Middlebridge was their preferred university. The data suggests that the difficulties they face become apparent and their expectations begin to change as they progress through their legal education. However, instead of attempting to overcome the barriers they face, in the main, participants adjusted their sights downwards and were prepared to settle for employment at the lower-end of the legal labour market.

This study suggests that universities like Middlebridge may, perhaps inadvertently, encourage inequality in law because those who enter with the lowest stock of capital benefit the least. Higher education masks how power within the legal profession is distributed, instead allowing students to believe it is based upon merit and ability.

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## Introduction

The current method of educating and training lawyers in England and Wales has evolved over the last 150 years into a well-refined and mature system. The structure of legal education has been reviewed twice over the last 50 years: by the Lord Chancellor's Advisory Committee in 1996 and the Ormrod Committee in 1971 (Ching, et al., 2013). The Ormrod Committee's first report was published in 1967 and had been tasked with bringing the work of professional bodies and the legal education providers' closer together (Ormrod Committee, 1971). At the time of the Committee's report, there were twenty-two law schools in universities and seven colleges of further and higher education offering a law degree. 80 per cent of those practicing at the bar were law graduates compared with 40 per cent of solicitors. The Committee noted in its conclusions a tension underlying the provision of legal education. On the one hand, there was the requirement to prepare students for being admitted to a 'learned' profession; on the other, were the everyday realities of working in law. Nevertheless, many of the recommendations of Ormrod's Committee remain largely unchanged for barristers and solicitors. The Ormrod Report recommended:

- the normal route into the profession should be through the possession of a law degree;
- for non-law graduates a 'Common Professional Examination' (now GDL or Graduate Diploma in law) was recommended;
- a connected but independent vocational stage of training and;
- the requirement to develop a scheme of organised 'continuing education' (Ormrod Committee, 1971).

The Lord Chancellor's Advisory Committee on Legal Education and Conduct (ACLEC) was established by the Courts and Legal Services Act 1990. It was required to support the maintenance and

improvement of standards in the education, training and behaviour of those offering legal services (Merricks & Wallman, 1990).

S.19 of Part II of the Courts and Legal Services Act 1990 established ACLEC after it was proposed in the Green Paper *The Work and Organisation of the Legal Profession*. The group originally came into being in April 1991, and commenced its first foremost task in 1992 when it launched its review of legal education in England and Wales. After two consultation papers in 1994 it printed two reports in 1995, *Access to and Participation in Undergraduate Legal Education* and *Funding legal Education*. The Committee delivered two more reports, the first report on legal education and training in 1996; and the second considered the ongoing professional development for solicitors and barristers (Robin, 1991). ACLEC suggested the formation of a Joint Legal Education and Training Standards Committee to monitor the setting of standards, offer guidelines on minimum standards, and advise on ways in which those standards could be improved (ACLEC, 1996).

The 2013 Legal Education and Training Review has brought about unprecedented changes to the provision of legal education. From solicitors' firms adopting level four 'higher' apprenticeships and recruiting school and college leavers, to the proposed postgraduate, Solicitors Qualifying Examination. The LETR review was commissioned on behalf of the Bar Standards Board, the Solicitors Regulation Authority (SRA) and ILEX Professional Standards as the initial stage of a sector-wide evaluation of legal services and mirrored both the shifting landscape of higher education and that of the legal labour market. It was intended to provide a system of legal services, education and training that would satisfy the interests of society, consumers and justice serving the future regulatory aims of the Legal Services Act 2007 and Legal Aid, Sentencing and Punishment of Offenders Act 2012.

In 2014, 31,800 people applied to study law at undergraduate level in England and Wales, of which 21,775 were accepted (The Law Society, 2015). Graduates of law continue to be, numerically, the largest single group of entrants to the solicitor and barrister professions (42.8 per cent of solicitors admitted in 2010-11 and approximately two-thirds of those beginning pupillage at the Bar in the same

year (Ching, et al., 2013). Mirroring the expansion of UK higher education, demand from students for a qualifying law degree (QLD) has increased substantially over time. Across the UK and Ireland there are over 600 QLD courses including degrees which are single and joint honours, part-time, distance learning, sandwich courses and degrees that incorporate the Legal Practice Course (LPC), the Bar Professional Training Course (BPTC) or CILEx and paralegal qualifications (Ching, et al., 2013)).

Currently, there are 44 institutions in England and Wales offering the Graduate Diploma in Law (GDL) either as a full-time (one year) or a part-time (two year) course. Students on the GDL are non-law graduates and study seven foundation subjects along with a range of optional modules (Joint Academic Stage Board, 2013). There is a common perception amongst employers that GDL students are preferred to traditional QLD graduates owing to their maturity or the skills and experience previous studies have given them. 15 per cent of newly qualified solicitors in 2012 were GDL graduates. Some of the larger and more prestigious commercial firms claim that around half of their trainees don't have law degrees (Fletcher, 2011).

The LPC is the professional stage of training conducted by those wishing to qualify as a solicitor. 29 institutions in England and Wales offer the course and in 2014 there were 5,514 students on LPC courses (Solicitors Regulation Authority, 2014). In the year ending 31 July 2015, 5,457 new traineeships were registered with the Solicitors Regulation Authority and 6,077 newly-qualified solicitors were admitted to the roll of practicing solicitors (The Law Society, 2015). Middlebridge Law School is one of the small number of institutions that offer an 'exempting law degree'. In this format the students upon successful completion of the course are credited with a QLD and an LPC. In recent years Middlebridge Law School, the institution in which the research for this thesis took place, has, along with other institutions, allowed students to 'top up' their exempting law degree to an LLM (Master of Laws) with a research project or further short study.

The larger prestigious firms operating within the field of legal services stipulate the LPC provider their recruits must attend, and in some instances, the units that they must study. Some firms work with LPC

providers to create tailored courses or modules where the firm contributes to the teaching, the perception being that this promotes a more coherent link between practice and the classroom. Some LPC providers offer courses aligned to certain streams such as city, commercial or high street/legal aid where the modules are taught in context (Ching, et al., 2013). After the Wood Review (Bar Council/Bar Standards Board, 2008), the Bar Professional Training Course (BPTC) replaced the Bar Vocational Course. There are eight institutions in England offering the course and, like the LPC, it runs in both full-time and part-time modes. Only Northumbria University offers an exempting degree that includes the QLD and BPTC, which like the LPC allows an LLM top-up.

Becoming a solicitor or barrister is a long and expensive process. A prospective solicitor will need to fund both their undergraduate degree and post-graduate qualification. Currently universities and colleges can charge up to £9,250 per year for an undergraduate degree, between £7,000 to £10,000 for a GDL and a fee ranging from £8,500 to £15,000 for the LPC. However, exactly what a student will pay depends on the chosen course, the university attended and where a student chooses to study (The Law Society, 2016). With the BPTC costing as much as £19,000 in London, it is estimated the final cost of qualifying as a barrister could approach £127,000 (Simmons, 2016).

### **The Current System of Legal Services, Education and Training**

A significant criticism of the current system of legal services, education and training is the growing number of students aligned to a rising cost of qualification. Even more worrying is the lack of a return, with a saturated legal labour market assisted by the lifting of the cap on university places in England, allowing universities to recruit as many students as they wish. The field of legal education is overloaded in part due to many colleges and universities dramatically increasing their intake. Manchester Metropolitan University, for example, in 2012 offered 100 places on its QLD, in 2013, this was increased to 300 and by the beginning of the academic year, the course was full; in 2014, the course intake was again 300. Since the 1990s, and aligned to the high demand for a legal education, the field of vocational educational has grown rapidly. This is despite only half of law graduates

progressing onto the vocational stage of training. French sociologist Pierre Bourdieu may suggest that this increased competition within the legal labour field is for the aspirant working-class law lawyer, counterintuitive.

Supply is now exceeding demand with data provided by the SRA for 2012/2013 showing that of the 9,626 full-time LPC places available, 6,035 students were enrolled and of the 2,854 part-time places available 2,793 students were enrolled. The LPC market appears to be getting smaller with a number of institutions like Portsmouth University and Oxford Brookes closing provision. Despite the market shrinking, there is still a bottleneck within the system due to the demand for training contracts exceeding supply. Law firm training contracts have dropped considerably over recent years. There were 5,001 contracts on offer in 2013-14, a drop of 5.6 per cent on the previous year and about 12.4 per cent on the 2003-04 figure of 5,708 (The Law Society, 2015). The number of graduates seeking admittance to the BPTC is gradually falling. In 2009, there were 3,097 applicants compared to 2,941 in 2014. "Call" is the date at which barristers are ceremoniously considered to have passed the vocational stage of training and are called to the Bar by their Inn of Court. Of those being called to the Bar, the figures again are falling, in 2011 there were 1,629 compared to 1,184 in 2015. Pupillage is the obligatory one-year training period spent in an authorised training establishment: either barristers' chambers or an alternative appropriate legal environment. In 2015 there were 422 pupillages awarded compared to 439 in 2009 (The Bar Standards Board, 2016).

Considering the challenges discussed, the main aims of this research are:

1. To critically examine the expectations, experiences and habitus of aspirant working-class law students at a new university and;
2. To establish and explore the influence of cultural and social capital on working-class law students.

Four questions guided the study:

1. Why have working-class students chosen to study law? Why did they choose a 'new' university and specifically Middlebridge?
2. What are the experiences and expectations of working-class law students studying at Middlebridge?
3. What are the working-class law students' expectations for their future careers?
4. To what extent are working-class law students at Middlebridge prepared for success in the legal profession?

The introductory chapter sets the scene for the thesis with a discussion of the current provision of legal services, education and training. The problems associated with accessing the said provisions are considered. Legal education and the impact of the employability agenda in higher education is also discussed, again providing a backdrop for the thesis. The chapter concludes with observations about legal services, current systems of legal education and the professional stages of training.

The next chapter presents Middlebridge as a town and Middlebridge University as an institution. It includes Middlebridge's cultural and industrial history as well as tracing its journey from a northern industrialised town to one with a university at its heart. It also discusses education in Middlebridge and the expansion of Middlebridge University. The school of law is placed in sharper focus with an emphasis on who attends the school of law, why they attend and student progression.

The third chapter introduces Pierre Bourdieu whose work underpins this research. It explains Bourdieu's contribution to the social sciences and my own relationship with his work. Bourdieu's concepts of 'fields', 'habitus' and 'capital' are considered individually before the discussion turns to their effects on each other, and whether they are inextricably linked. I consider how Bourdieu's work sits with that of other key thinkers, in particular, Karl Marx and Max Weber, comparing and contrasting the notions of the three, paying particular attention to their works in the context of class, class boundaries and class situations.

The chapter on legal science theory deals with Bourdieu's work on law and the legal profession. The sociology of law is discussed as well as capital and social class within the context of the legal profession. Bourdieu's views on law as a social field and as an example of a symbolic system are examined. The methodology chapter provides the reader with an understanding of the tools used for this research, including the advantages and limitations of such an approach. The research methods, sampling process and interview experience are explained to conclude this chapter.

The last two chapters present the research findings and conclusions. Data is presented and key themes are analysed. The strengths and weaknesses of the findings are discussed and further areas for research are identified, including the broader research agenda for Bourdieu and the law. My findings are related to Bourdieu's work and the thesis concludes with a discussion of the effect of entrenched inequalities including the changes since Bourdieu originally presented his theories.

### **The Problem of Access, Diversity and Social Mobility**

Costs and bottlenecks have potential implications for access, particularly for those trying to enter the profession from less-privileged backgrounds. In the LETR Discussion Paper 02/2011, the legal profession appeared to be increasing in the context of diversity at least within the 'middle class', with more women specifically, however this was not the case with those from less privileged backgrounds, para 113 states:

In terms of access to the profession, the qualification process, requiring as it does a mix of strong credentials and inscriptive attributes, creates successive barriers to entry which tend to significantly reduce the opportunities for those from the most disadvantaged backgrounds. There are unlikely to be 'quick fixes' to a problem, that in many respects, is shaped by intergenerational patterns of advantage and disadvantage.

(LETR Discussion Paper 02/2011, 2011)

The chair of the Bar Council, Chantal-Aimée Doerries QC believes that:

The cost of qualifying [as a barrister] creates a huge social mobility challenge ... bursaries and scholarships are available, and some may have savings or come from a wealthy background, but for most people, funding for their qualification will come from juggling study and part-time work, student and commercial loans, and family contributions.

(Simmons, 2016)

There are barriers to entering higher education generally but arguably barriers to the legal profession are even greater. The university attended often affects access to sought-after vacation placements, internships and the ability to secure a training contract or pupillage. Potential entrants may be discouraged because they lack the cultural, social and economic capital to risk not succeeding (Shiner, 2000).

A smaller number of graduates are employed compared to those who are 'employable' (Francis, 2015). This is particularly noticeable when it occurs at a time when entry-level positions within the profession are limited (Fletcher, 2013). Furthermore, a decline in the scope of and ability to satisfy the requirements for legal aid highlight not only concerns over access to justice but shows the vulnerability of particular areas of legal practice such as the Criminal Bar (Baksi, 2014). Such parameters create a restrictive context within which the legal profession can meet the ambitions of aspirant working-class law students, particularly in terms of access and progression.

CILEx members, costs lawyers, and licensed conveyancers are more socially diverse occupations than the Bar and solicitors' professions. The latter, especially the most prestigious firms and chambers, demand qualifications from prestigious universities and tend to be risk adverse. They generally hire trainees who possess cultural, academic and social capital that mirrors their own, thus protecting the

status quo. The social diversity of the former is, however, at risk from an influx of graduates who are unable to enter the more prestigious areas of law.

Consideration should also be afforded to the new higher apprenticeships. Firms attract government funding for hiring apprentices and so they are an attractive proposition to some, most notably the small-to-medium high-street firms who take on legal aid work and, supposedly, feel a greater social responsibility to the communities they serve. It is also, conveniently, an expedient way to obtain money, and a way of covering some of the losses cuts to the government legal aid budget have brought to such firms. However, this may only serve to encourage ever more applicants to an already saturated field. Pierre Bourdieu, whose theories and concepts are expanded upon later, views law as a social field where social production and reproduction are defined and executed (Vignaendra, 2001). Subsequently, with employers setting similar parameters for recruitment and employment for the apprenticeships as they do their graduate positions, there is the possibility that apprenticeships may also contribute to the lack of class diversity in law.

### **Legal Education and the Employability Agenda in Higher Education**

According to Browne (2010), many students take degrees in the hope of becoming 'employable'. Since the 1990s, employability has been a key discourse in higher education (Clarke, 2007). This is set to continue 'in an era of increased costs, higher fees and loans and increased competition for initial and continuing employment locally and nationally' (Pegg, et al., 2012). Universities, as a result, place great emphasis on how their courses will promote potential students' employability (Thornton & Shannon, 2013).

Much recent emphasis on 'employability' has been skills based with the Higher Education Academy (2015), defining employability as a set of achievements, skills and personal attributes enhancing graduates ability to gain employment within their desired occupation. A set of characteristics which will supposedly benefit themselves, the workforce, the community and the economy. It is claimed that

skills form a vital part of our ability to control and create wealth and are pivotal in reducing social deprivation (Leitch, 2006). There are many ways in which universities have attempted to embed employability skills into their programmes including: personal development plans (PDP), career planning and skills-based modules such as working in town centre law clinics. The economy and professions demand graduates with individual expertise and qualities. Some may suggest it is the individual's responsibility to obtain these and enrich their chances of employment. The HEA may have had good intentions, however the more elite the firm or chambers the greater the levels of social, cultural and academic capital that is required over and above more generic employment 'skills'.

Legal education is not immune to this agenda. Notions of employability have increasingly been adopted, most notably in marketing aimed at prospective students. The link between the providers of legal education and the profession is significant – especially in terms of students wishing to secure employment. Law firms and chambers desire individuals with certain qualities and characteristics that closely match their own, what Bourdieu describes as social and cultural capital (Bourdieu, 1977). With the focus on employability more important than ever, so too is the relationship between law schools, its students and the profession.

Previous studies suggest that one of the primary obstacles to working-class entry to the legal profession is the tendency of law firms to overlook applicants from so-called new universities in favour of those from a select number of elite or 'old' universities who tend to be more middle-class (Ashley, 2010). Such a preference for 'traditional' graduates arguably diminishes the worth and value of the 'non-traditional' (LGS, 2005; Sommerlad, 2007; Vignaendra, 2001). The apparent excellence of students from old universities is seen as justification for such a preference combined with a belief that higher entry requirements will yield more rigorous courses and subsequently 'better' graduates (Shiner, 2000). Rolfe and Anderson (2003, p332) suggest tradition and prejudice continue to be factors. Many students from working-class backgrounds have not been able to ready themselves (if they ever could), for entry into the legal profession. and as can be seen from the data collected as part

of this research, reappraise their career aspirations as realisation sets in about their ability to achieve previously held ambitions. This means they may often find themselves in jobs they did not originally plan or hope for (Francis, 2015).

## **Background**

### **The Town of Middlebridge**

Middlebridge was traditionally a relatively affluent town. Employment figures have nevertheless generally mirrored national trends. When the UK economy has experienced periods of 'boom' Middlebridge has experienced growth and wealth, equally, over the last 30 years the UK has experienced periods of recession affecting local industry and employment.

According to Jackson and Marsden (1996), Middlebridge traditionally had two well-to-do middle classes. The first is national, the privately-educated doctor, the metropolitan in interest civil servant or the mobile executive in Middlebridge for a short while using it as a go-between. The other type of middle class is the local person made good, a headmaster or self-made business executive. Today the town is still fairly prosperous. It has a thriving university, is close to an area of natural beauty, a history of community-minded left leaning tendencies, a popular music scene and relatively affordable property. The town is well connected in terms of road and rail and whilst it is no longer considered 'an industrialised northern town', manufacturing is still a key facet in the region's economy. It lies third in the UK for the largest manufacturing employment base with 32,000 jobs in industry. 77.5 per cent, of the working age population is economically active which is higher than the national average and 31 per cent of the working population are educated to NVQ Level 4 or above. The population of Middlebridge is currently approximately 423,000; expected to rise to 436,800 by 2018 with the Office for National Statistics (2006) projecting a need for an additional 46,000 households in the area by 2033. Residents are also younger than the national average, guaranteeing a continuing supply of potential workers over the coming decade.

Middlebridge was considered one of the boom locations in the 1950s and 1960s but the recessions of the last three decades have had a significant impact and Middlebridge is not without areas of social deprivation. But its mix of industries and classes means it was better placed to survive than other

towns in close proximity. Nearby smaller towns tended to focus on one form of industry with a specific skill set. For them, a lack of diversification and transferable skills meant recent recessions resulted in large-scale unemployment, social unrest and a struggling local economy.

Middlebridge University and the town's colleges of further education now play an important role in the town's economy (Jackson & Marsden, 1996). Middlebridge University has over 21,000 students from over 120 countries - many of whom stay in the area once they graduate contributing to a new demographic, and the area now has a diverse population, with 21 per cent from a minority ethnic background (Middlelees Council, 2013).

### **Middlebridge and the Growth and Development of Higher Education**

Middlebridge University is the direct descendant of the Young Men's Mental Improvement Society, founded in 1841. In 1843, the Middlebridge Philosophical Society together with the Female Educational Institute (1846-1883) became the Technical School and Mechanics' Institute. This, in turn, became the Technical College in 1896 and was succeeded by the College of Technology in 1958. In 1970, it became Middlebridge Polytechnic. The polytechnic was chiefly a technological institution appealing largely to a specific student demographic (the 'respectable' working-class and lower middle-class). What ultimately shaped institutions like Middlebridge came in the form of a White Paper that proposed 28 polytechnics that the local authorities would form out of 70 colleges of commerce, technology and art (Department for Education and Science, 1966). Former Labour MP and Secretary of State Tony Crosland argued that the academic education of the universities and vocational college education were at cross-purposes and therefore a policy for higher education in selected colleges was necessary. It was envisaged that the needs of the nation and the prediction of increased demand for higher education places by the officially sponsored examination of the Robbins Report (Committee on Higher Education, 1963), would be most suitably served by comprehensive higher education institutions in the public sector that, via local education authorities, would be reactive to local community needs.

It was also predicted that polytechnics would provide alternative kinds of students with a different kind of education with the sector being democratically and locally managed (Archer, et al., 2003). Crosland averred there would be 'great educational advantages from ... more broadly based higher educational institutions in which full-time, sandwich, and part-time students at all levels of higher education work together' (Robinson, 1968, p. 253). During the 1970s, the then higher education sector increased in size, but most notably the public sector, particularly polytechnics exceeded predicted growth quite considerably. However, whilst the percentage of working-class students varied between institutions, it did not noticeably change over the ensuing 25 years (Archer, et al., 2003). The monitoring of participation rates in higher education was also now more fulsome, particularly concerning gender and ethnic minorities. Yet in comparison, social class evaluation was overlooked.

#### **Public Sector Growth and the end of the Dual System of Higher Education**

The expansion of higher education was in the main accomplished by the polytechnics, though this was more through luck than design. The financial markets of the 1960s and 1970s aligned with the governments of the 1980s imposing funding limits were essentially responsible. There were no restrictions on expansion and local authorities promoted courses that could bring in the most full-time students. For a polytechnic like Middlebridge, political and economic pressure meant offering courses akin to those provided by the universities, such as law. Courses such as the LPC and BPTC were also developed by other polytechnics as a means to demonstrate equivalence in stature to the universities and provide those who attended an enhanced academic standing (Archer, et al., 2003).

Following the 1991 White Paper, *Higher Education: A New Framework*, Middlebridge Polytechnic, like all polytechnics, gained university status and the authority to award its own degrees. Opinions on the success of polytechnics were mixed. Burgess believed that an 'academic drift' was occurring with polytechnics becoming more like universities and universities becoming more like polytechnics (Burgess, 1999). Some believe that the two sectors have always been inextricably linked. Pratt (2001, p3) for example, suggests that in reality there was no real divide considering many vocational courses

could be taken at universities and most polytechnics offered non-vocational courses like art, history, english and so on. Pratt's assertions are understandable when it is considered, for example, that polytechnics and universities both offered undergraduate, postgraduate, doctorates and vocational courses. Pratt believes the dual system that the polytechnics operated in can be considered a success and that the sectors, like many other countries, became (or always were) interwoven with both universities and polytechnics having common characteristics (Pratt, 2001, p. 1). Either way, polytechnics increased student numbers at double the rate of universities. There were clear successes in expanding the number of women and ethnic minorities going on to higher education. They were less successful in increasing the number of students from working-class backgrounds, although their intake still differed from most universities (Archer, et al., 2003).

### **Middlebridge University and School of Law**

Today Middlebridge University is ranked 63rd out of 124 universities in the UK and Middlebridge University School of Law is ranked 57th out of 96. Middlebridge law school received 4.03 out of 5 in a recent survey for teaching quality (The Complete University Guide, 2015) which suggests the School of Law is 'ok', like many things at Middlebridge University. A desire to improve is evident however and the School of Law's admission criteria for undergraduate LLB students is now set at AAA, suggesting it is attempting to attract high-calibre undergraduates.

Middlebridge University has good facilities including a new multi-million-pound Business School. It is, however, not unusual for new universities to invest heavily in estates and facilities, as it is a common way of competing for a particular demographic. In contrast, Oxbridge and many Russell Group universities' buildings are often far older and look 'tired' but there is less need to spend millions on building upgrades. Arguably this is because the esteem, standing and career opportunities associated with them is enough to place such institutions as the primary agents within the university field. Such a position usually entices those with the highest social and cultural capital, in particular, middle-class and elite students. Oxbridge and many Russell Group universities are able to boast world-famous

alumni including Nobel-prize winners, royalty and former heads of state. Oxbridge persistently ranks in the top five worldwide for academic reputation, and both are close (approximately 60 miles) to London. Middle-class students are enticed not only by these factors but through their inherited and embodied social and cultural capital. They are much more likely than their working-class counterparts to have friends and family members who have been to 'elite' universities, and this is likely to influence their life decisions and choice of university (Boliver, 2011). There is a longstanding cultural tradition for certain privileged students to attend elite universities. It is considered a typical progression particularly from many independent schools; for example, 2,500 students from private schools entered Oxbridge in 2006-2007 in comparison to 250 from manual working-class backgrounds (The Sutton Trust, 2009).

Research suggests that for working-class students' barriers exist from a very early stage in the journey into the legal labour market, and many medium to large law firms and chambers have long-established links with independent schools and elite universities (Rolfe & Anderson, 2003). The proportion of young full-time undergraduate entrants to Russell Group universities from working-class backgrounds (NS-SEC classes 4-7) has decreased slightly over time from 19.9 per cent in 2002-2003 to 19.0 per cent in 2013-2014. The proportion of young full-time undergraduate entrants to Russell Group universities from state schools has also fallen slightly 75.6 per cent in 2002 – 2003 to 74.6 per cent in 2011 – 2012. (Social Mobility and Child Poverty Commission, 2013).

Middlebridge School of Law provides 'hands-on' practical experience with its 'Partners in Law scheme' which offers students networking, mentoring and training opportunities with regional legal firms. Large law firms however will take part in various activities (law fairs, presentations, workshops and so on) with elite universities. This benefits those who attend such institutions. They receive information on how to apply for summer internships thus building connections and contacts which can lead to scholarships, LPC sponsorship and ultimately training contracts. This demonstrates how inequalities in access to law careers are compounded by the greater connections between firms and their favoured

universities (Rolfe & Anderson, 2003). In Bourdieusian terms, those students endowed with high levels of social, academic and cultural capital, receive further enhancement and increase their advantage over those attending post-1992 universities, conventionally, the ambitious working-class students. This is not a new phenomenon, 38 per cent of graduates from elite institutions and 21 per cent from new universities were found to have attended a recruitment activity from a potential employer compared with 53 per cent of Oxbridge graduates (Halpern, 1994). Already advantaged, the middle-class position and governance of the practicing legal profession is strengthened owing to the greater involvement between firms and their preferred, middle-class dominated, universities (Rolfe & Anderson, 2003).

Law has been taught at Middlebridge University since 1980. The focus has always been the LLB (Hons) degree, although the School of Law also offers the Graduate Diploma in Law (CPE), the Legal Practice Course (LPC) for prospective Solicitors, and an LLM including specialist routes in Commercial Law and International Law. There is a mock courtroom and a dedicated teaching space for the LPC students. As well as investing in new buildings, estates and facilities, Middlebridge was one of the first of new universities to offer the four-year Law (exempting) Master of Law and Practice degrees, incorporating the LLB and LPC (the professional stage of training for solicitors). This is significant because it encourages students to pursue a legal career by reducing a financial barrier at the entry point to the field of legal practice.

The department has twenty senior lecturers, one professor, one research assistant and one law clinic assistant. There has traditionally been little focus on research. The majority of staff do not have extensive publications or doctorates and often began teaching in further education colleges after a period of legal practice. The appointment of a professor and a research assistant reflect a shift in priorities mirroring the Vice Chancellor's desire to create a more research-focussed university. For the School of Law, this means academics pursuing funding through, for example, research grants. Recent

recruitment advertisements for staff have insisted upon a research profile, publications, and evidence of successful research grant capture.

### **Student Progression – the LPC and BPTC**

Tuition fees may be a barrier to those from working-class backgrounds who are less likely to be able to afford such a fee and in periods of economic uncertainty are less likely to consider giving up some or all of their employment to study (Reay, et al., 2009). In terms of funding for professional training, students from a working-class background are less likely to receive sponsorship or parental contribution and more likely to take out a commercial loan (Carney, 2012). Students who do not gain sponsorship are more likely to be in employment whilst also enrolled on the LPC, which can, in turn, have a detrimental impact on their studies (Vignaendra, 2001). Historically there is evidence to suggest that the university attended can influence the source of funding with 14 per cent of Middlebridge University graduates receiving professional sponsorship compared 74 per cent of Oxbridge graduates and 27 per cent of 'old' university graduates (Carney, 2012). Those firms that sponsor graduates are likely to offer a training contract which, in turn, has an adverse effect on the working-class students who are underrepresented at Oxbridge and other old universities.

Working-class students often see elite universities as the preserve of the higher classes citing feelings of not being for 'the likes of us' (Reay, et al., 2009). Similarly, the Bar is perceived as largely dominated by those from socially, financially and educationally privileged backgrounds (Neuberger, 2007). Middlebridge University does not offer the BPTC given how unlikely it is to appeal to its demographic. That is not to suggest there are no students that may want to attempt a career at the bar; however, there are only ten institutions that offer the BPTC, the majority of which are in metropolitan cities.

### **Student Progression – the Training Contract (solicitors) and Pupillage (Barristers)**

Once a person has passed the LPC, they must complete a two-year training contract in order to practice as a solicitor. Obtaining a training contract is yet another barrier for working-class students,

more so than their middle-class counterparts and is more difficult than obtaining a place on the LPC. In 2010-2011, 6,067 people enrolled on the LPC, (15,166 available places available). There were, however, only 5,441 training contracts available (Dixon, 2012). On average, each student applied to 46 firms with 22 per cent having applied to over 100. The emphasis larger firms place in recruiting from 'old' universities leaves those from institutions such as Middlebridge University at a disadvantage.

Medium-to-large firms show a preference for recruits from certain elite universities (Carney, 2012). 75 per cent of students with high UCAS (University and Colleges Admissions Services) points and a first from a post-1992 University obtain a training contract; little difference with 73 per cent of those with high UCAS points and an upper second from an old university securing a training contract. 84 per cent of Oxbridge graduates who had obtained a lower second class or below were more likely to be offered a training contract. 60 per cent of students with an upper second-class degree from a post-1992 university were offered a training contract compared with 79 per cent of graduates that obtained the same grade from an old university (The College of Law, 2008). Data suggests that some larger firms are prepared to take the cream of the Middlebridge law graduates and offset their lack of cultural, social and economic capital against their high degree classification. This would perhaps partially explain the small minority of working-class law graduates who occupy positions normally reserved for more middle-class graduates from elite universities.

On average, students from new universities applied to four times as many law firms as Oxbridge graduates (Carney, 2012). Students from old universities, (excluding Oxbridge) were nearly twice as likely to secure a training contract than those from a post-1992 university and the recruitment strategies of firms go some way to explain this (The College of Law, 2008). Some firms acknowledge that equally good candidates can be found at places like Middlebridge University and believe it is the fault of the education system that talented working-class students are much less likely to attend old universities or Oxbridge. Some firms have, however, bowed to pressure from The Law Society to

change recruitment practices and it has been suggested that a more class-diverse workforce is beneficial to both business and clients alike. For businesses, a more class-diverse workforce provides a means for a more varied way of thinking and alternative ideas. Similarly, a range of people with different kinds of opinions makes it easier to target a wider array of clients (Ashley, 2009), yet it remains questionable as to whether in reality the more prestigious firms would welcome either of these.

Students at a university like Middlebridge traditionally find more success in securing training contracts with local 'high-street' firms. A decline in number of high-street firms has, however, created a further barrier to securing a training contract. Law firms with clients working in areas heavily reliant on public funding – charities, housing, healthcare, local government, education, transport, infrastructure – no longer have the amount of work they once did. For instance, low-value employment work has declined in part due to the increase in Employment Tribunal fees, the result of which is an increase in efforts by such firms for non-contentious employment work. The Ministry of Justice has also cut the legal aid budget by a quarter, severely affecting the funding of litigation. With other avenues of funding being restricted, lawyer costs in areas such as employment, personal injury, crime and family are being further squeezed. As seen later in this thesis, aspirant working-class law graduates often apply to these small to medium-sized firms; however, changes to working practices and recruitment have resulted in reduced opportunities and greater difficulty for working-class entrants to the legal labour market. Middle-class entrants to the field do not face this new barrier since so much as the more elite and larger commercial firms have private paying clients and do not feel the cuts to public funding like the smaller firms. With larger firms also reducing the number of training contracts offered, the result is an increasingly saturated field where agents' manoeuvrability and jostling for position becomes more and more difficult (Dixon, 2012).

Having completed the BPTC, prospective barristers must complete a pupillage. This, is also often difficult to secure with nearly three times the number of prospective pupils as there are pupillages

(Mason, 2004). At present BPTC graduates are chasing only 422 pupillages, (The Bar Standards Board, 2016), over 75.2 per cent, (334) of which are based in London. Just under a quarter of pupillages were registered outside London compared with 20 per cent the previous year (Carney & Sauboorah, 2016).

The proportion of pupillages outside London has decreased slightly over time. In 2010, 145 (29 per cent) of advertised pupillages were outside London, this had dropped to 108 (23 per cent) in 2014. This poses a problem for many working-class students who are less geographically mobile (The Panel on Fair Access to the Professions, 2009). They are also less likely to be able to afford to live in London with the minimum salary for pupillage often being in the region of £10,000 per annum, which arguably acts as a particular problem for working-class students unable to draw on parental resources and financial support. Social capital also plays a major part in securing a pupillage, with many working-class students lacking exposure to the legal field. Their middle-class counterparts, possessing greater financial capital may find it easier to move to London for a pupillage or live on a low-paying pupillage with assistance from various social and cultural connections, especially family (The Panel on Fair Access to the Professions, 2009).

Pupillage awards within the range of £10,001 to £20,000 have remained relatively stable accounting for 147 (29 per cent) in 2010, increasing to 180 (33 per cent) in 2011, then falling back to 132 (29 per cent) in 2012. Pupillages between £20,001 and £30,000 have increased slightly from 66 (13 per cent) in 2010 to 89 (19 per cent) in 2011 (Carney & Sauboorah, 2012). This suggests a growing disparity between the top end and the rest.

In summary, data suggests that whilst the number of pupillages overall is falling, the majority are condensed into the region of £10,000 to £30,000. However, those who attended an Oxbridge university earned a mean of £29,678 with a median of £29,000 whereas others had mean earnings of £21,892 and a median of £20,000. Over the last five years, the range of institutions attended by pupils as undergraduates has been in excess of 130, although 50.9 per cent of pupils in 2010/11 attended Russell Group universities. Pupils who attended either the University of Oxford or Cambridge

comprised 34.5 per cent. Students from post-1992 institutions made up less than 4.1 per cent (Carney & Sauboorah, 2012). According to the pupillage survey, 55.9 per cent (248) who answered stated that they attended a state school (non-fee-paying) with 44.1 per cent (176) pupils attending fee-paying schools (Carney & Sauboorah, 2012).

Evidently those from affluent backgrounds are often at an advantage at each stage of the process of entry and progression. They are more likely to apply and gain admission to universities with contacts with prestigious firms or chambers; they gain experience and opportunities through embodied and developed social and cultural capital thus increasing their chances of a training contract or pupillage. This goes at least some way to explain the under-representation of working-class solicitors and barristers. It is therefore no surprise that many perceive Law to be an elitist profession.

## **Theoretical Framework**

### **Habitus, capital and class – an introduction**

Bourdieu's theories are considered further in the method, methodology and data analysis chapters but here some of his ideas are used to examine experiences, expectations, admission and choice in higher education (Ball, et al., 2000; Reay, et al., 2001). Reay and Ball have explored the role of habitus and capital in school choice (Ball & Vincent, 1998), further education (Maguire, et al., 1999) and university (Reay, 1998; Reay, 1999). Middle and working-class families, it is argued, have differing levels of access to the various forms of cultural, social and economic capital which ultimately underpin the educational choices they make. Children of middle-class parents often benefit from their parents' social capital and this assists them within the educational system, through pre-established networks and connections with elite universities and employers within desired professions (Allatt, 1993). In contrast, working-class children have to manage economic and physical constraints including little understanding of the system and social networks that encourage the reproduction of privilege (Reay, et al., 2001). Therefore, educational choices provide a space where the various forms of capital and habitus interact.

What the data presented later in the thesis shows is that there are greater anxieties for many working-class law students when making choices owing to greater risks and constraints. For working-class students, it is often more important they 'fit in', 'feel like they belong', and this can deter them from applying to more elite universities (Sommerlad, 2007). An institutional habitus manifests into a message of exclusion and that such institutions are 'not for the likes of us'. For middle-class students, Maguire *et al.* (1999) believe choice is often more unambiguous than for working-class students who face the pressure and uncertainty that possessing less capital brings.

Social hierarchies then are converted into academic hierarchies (Bourdieu & Passeron, 1977). As Maguire *et al.* state:

The perceptions, distinctions, and choices of higher education institutions used and made by students play a part in reconstructing and reproducing the divisions and hierarchies in HE. It is in this way that they 'do' or embody social structures. In effect, this is social class 'in the head'. That is to say, cultural and social capital, material constraints ... social perceptions and distinctions, and forms of self-exclusion ... are all embedded in the process of choice.

(Ball, et al., 2000, p. 7)

### **Habitus**

Cultural capital is used widely in academic writing but not all Bourdieu's concepts are well known or properly understood. Habitus is arguably one such example (Reay, 2004), and it has been said that there is a tendency to use habitus like 'intellectual hair spray' and sprinkle it throughout academic texts (Hey, 2003). Bourdieu avers that habitus is at the epicentre of his methodology of structuralist constructivism, and that habitus is used to reconcile the dualisms of agency-structure, objective-subjective and the micro-macro (Bourdieu, 1985). He believes that agency (practice) is linked with structure (capital and field) through the mechanisms of habitus. Bourdieu argues, and this can be seen upon analysing the data collected for this thesis, that participant habitus becomes active in relation to the legal field, and depending on the state of the field, the same habitus can lead to fundamentally different practices and stances (Bourdieu, 1990).

Habitus is embodied or deposited within individuals and is the "durably inculcated system of structured, structuring dispositions" found within a field (Bourdieu, 1990, p. 52). It is not composed as a result uniquely of mental attitudes and perceptions, but expressed through durable ways "of standing, speaking, walking, and thereby of feeling and thinking" (Bourdieu, 1990, p. 70). Interactions with popular culture are expressed in a range of activities including eating, speaking, posture and gesture (Bourdieu, 1984). Bourdieu views habitus as creating a wide collection of potential actions,

concurrently allowing the individual to draw on transformative or limiting courses of action (Reay, 2004). He believes that habitus is a kind of changing machine that leads us to 'reproduce' the social conditions of our own production, but in a relatively erratic way so that one cannot move merely and mechanically from knowledge of the conditions of production to knowledge of the products (Bourdieu, 1990, p. 87).

Experiencing the "*force of law*" (Bourdieu, 1986), the magnetism of the legal field, either as a legal professional, a defendant in a criminal trial or civil claimant complying with a court order, means being acquiescent to statutory rules and judicial precedent by which legal decisions are arrived at. Bourdieu suggests, however, that the precise mechanisms of the legal field – the manipulative power of capital (the social, economic, psychological, and linguistic practices), which, whilst never truly acknowledged, underpins the law's clear functioning – have an influential control that has to be reflected upon if we are to really understand how the law operates within society. Bourdieu claims such an understanding is conceivable within the legal profession owing to practices that are underpinned by legal custom, practice and education. They function as taught yet entrenched structures of behaviour within the juridical field, what Bourdieu terms habitus.

Despite this inbuilt propensity to act in ways that are the norm for 'people like us', Bourdieu does not believe that strict rules or principles dictating behaviour exist, rather 'habitus goes hand in hand with vagueness and indeterminacy' (Bourdieu, 1990, p. 77). Bourdieu argues that the way in which habitus operates can regularly exclude such practices that are unfamiliar to the cultural groupings to which the individual belongs. For example, a working-class individual is much more likely to make a virtue out of necessity than attempt to achieve 'what is already defined' (Bourdieu, 1990, p. 54). Bourdieu views the dispositions which make up habitus as the products of opportunities and limitations framing the individual's earlier life experiences (Reay, 2004).

Therefore, although habitus is a result of an individual's early experiences, including matters of the family, it is continually re-structured by individual encounters with the outside world (Di Maggio,

1979). Habitus is constantly changing because the experiences that make up habitus are also always changing, most are reinforcing, but some modifying (Bourdieu & Wacquant, 1992, p. 133). Habitus is a combination of the social actor's deep psyche and their fixed, occupational identity results in habitus being neither static nor eternal, much like a field (Meisenhelder, 1997).

### **Field**

According to Bourdieu, fields like the legal profession are, "networks of social relations, structured systems of social positions within which struggles or manoeuvres take place over resources, stakes and access" (Bourdieu, 1990b, p. 852) and can be seen as a market place or game because we have investments, stakes and the ability to use trump cards (Bourdieu & Wacquant, 1992). The legal profession as a 'field' is constantly changing. There are the large, dominating elite firms, international in size and with significant financial power that exert substantial control of the field. Then there are those that are the dominated, small in size, located on the high street and there essentially to serve local communities. Those within the field seize power, keep power and establish a monopoly over the characteristics of the field's reproduction, and the type of power that can be utilised within it. When we think of fields the focus is not simply on 'what' happens within a particular group or organisation but the sum of the relevant actors (DiMaggio & Powell, 1983). In a Bourdieusian context when we think of fields we think of such notions of power, domination and class. Part of the game is played out within the law firm; personal gain – the profit to be made by becoming a 'partner' at the firm, or out of the many paralegals employed, being the one who after several years is finally awarded a training contract – is the prize for the competing individuals. A law firm or chambers could be viewed as embedded within the field, a part of the field that plays host to acts of symbolic violence, struggle and capital usage or even a sub – field with its own laws (Drummond, 1998).

Bourdieu theorises the social field as a location for struggle, of competition for control. The result is a hierarchical classification within the field – in the legal profession, to an arrangement of professional esteem and power associated to certain areas of practice, location and personnel. Such a system is

not openly recognised, it contradicts the theory of legal practice being an equality based profession. In *The Force of Law* (1986) Bourdieu attempts to highlight such a secretive ranked system that occurs within the legal field. His essay, for example, discusses the fight between small and elite firms, or commercial lawyers and publicly funded ones.

The field is therefore partially autonomous with participants vying for positions within the field. The field of forces is transformed and conserved by these struggles (Bourdieu, 1983). Positions are determined by the allocation of specific capital to participants who are thus located within the field. Fields are always defined by a system of objective relations of power between social positions that relate to a system of objective relations between symbolic points: works of art, artistic manifestos, political declarations, and so forth. The structure of the field is defined at a particular moment by the balance between these points and among the distributed capital. This conception of field is used in particular substantive instances – indeed a great deal of this work can be said to be an attempt to identify the structure and uses of field as a method that constructs the object of research (Harker, et al., 1990). A good example of the use of field is shown in Bourdieu’s analysis of the system of higher education in France, which he considers a separate field. (Bourdieu, 1985). This field included all faculties, *grandes écoles*, *petites écoles* and technical colleges, or if it were in the UK, Oxford and Cambridge, Russell Group universities, ‘new universities’ and so on.

The integration between educational practice and objective structures (through the struggle over material and symbolic power) is the main aspect that characterises all these establishments (as well as their students and their student’s aspirations of their own education). Like students attempting to access the legal profession in the UK, Parisian students’ success in the labour market is fundamentally dependent on the quality of their degrees and the rank that their university has within the educational field.

Fields can be viewed either in terms of “restricted production” or in terms of generalised, widespread, or large-scale production. A field of restricted production is a system producing cultural goods

objectively destined for a public of producers of public goods. Cultural capital (explained below) is key in such fields and the criterion within the field dictates the evaluation of production (Bourdieu, 1985). Conversely, there is a less direct influence on producers within generalised fields of production because these fields are structured with a view to the production of cultural goods destined for the non-producers of cultural goods, “the public at large”. It is often the case that the widespread field will exert influence or colonise the restricted field, though to what extent this occurs varies from field to field. A field where there has not been significant colonisation would ordinarily be referred to as having high autonomy and subsequently success would be measured owing to the criteria of legitimacy specific to that field (because of production within the field being essentially for other producers).

In a field where there is little autonomy and there has been significant colonisation, such non-field specific indices like income would be used to measure success. Those occupying places within the restricted fields, such as top lawyers, may not realise the extent to which colonisation is taking place owing to being so preoccupied with their own struggle to gain advantage through acquiring capital within the field in which they exist. For example, members of the legal profession trying to derive a cultural profit of distinction – not economic profit – by demonstrating the most articulate debating style and using the most convincing or persuasive submissions. This “misrecognition” of the reality underlying the field and its reproduction is apparently given in public but it is taboo to speak the truth or the fallacies inherent in the field (Bourdieu, 1983). Such misrecognition is obvious in academia where discourse relates to field – specific topics such as what constitutes knowledge, what the latest research methods are, what are the top journals to be published in rather than the basics (the budget, appointments, investment and so on) (Everett, 2002).

### **Capital**

As has been explained, fields are networks of social relations where melees take place over access, stakes and resources. Within fields there is a real struggle over “capital”. There are various forms of

capital, the most obvious being *economic*. Economic capital is material, made up of monetary wealth, commodities and physical resources such as a land, those targets of Marx's "primitive accumulation" and "naked possession" (Marx, 1867/1976). A second form of capital is *cultural*, capital that is wise to accumulate despite not being material or as tangible as economic capital. There are different components of cultural capital, one being *objectified* capital seen in "cultural goods" such as paintings, art, instruments, books and writings. *Embodied* cultural capital is a prerequisite for the profitable appropriation of objectified cultural capital and a product of "external wealth converted into an integral part of the person" (Bourdieu, 1986, p. 244). Cultural capital may be a less obvious form of capital considering it is obtained largely through education and the family. Bourdieu asserts that cultural capital consists of familiarity with society's primary culture and, in particular, one's ability to make sense of and use 'educated' language. He believes that possession of cultural capital depends on social class; however, the education system assumes the possession of cultural capital:

This consists mainly of linguistic and cultural competence and the relationship of familiarity with culture that can only be produced by family upbringing when it transmits the dominant culture.

(Bourdieu, 1977, p. 494)

There is a great deal of inefficiency in 'pedagogic transmission' since, according to Bourdieu, the educational system presupposes the possession of cultural capital, possessed by a minority of students. This is particularly prevalent in universities, particularly the more elite institutions, where students fearful of revealing the level of their lack of knowledge or understanding '...minimise the risks by throwing a smoke-screen of vagueness over the possibility of truth or error' (Bourdieu & Passeron, 1990, p. 672). Irrespective that lower-class pupils are disadvantaged in the competition for educational credentials, the results of this competition are that the end justifies the means. Bourdieu

asserts that the educational credentials of those in dominant positions legitimise such social inequality:

[Education] is in fact one of the most effective means of perpetuating the existing social pattern, as it provides an apparent justification for social inequalities and gives recognition to the cultural heritage, that is, to a *social* gift treated as a *natural* one (Bourdieu, 1977, p. 32).

Bourdieu's perception is that cultural capital is embodied in the higher-class home and consequently higher-class individuals are usually able to maintain their class position and legitimate the dominant positions they come to hold. This is not to say no lower-class individuals will succeed in the educational system, invariably some do; however, rather than challenging the system, this will reinforce it by supporting the appearance of meritocracy. This is particularly relevant in traditionally prestigious fields such as law. Bourdieu may find himself accused of not being specific enough about which of the resources associated with the higher-class homes amount to cultural capital, and in what way these resources are converted into educational credentials (Sullivan, 2001). Nevertheless, his position is still a powerful tool that helps to explain perpetuation of inequality.

There are other forms of capital. One is *linguistic* capital, a subset of embodied cultural capital and privilege obtained and established in the family home. It is measured through linguistic style and one's ability to understand and equally converse in scholarly, or bourgeois language (Bourdieu & Passeron, 1990). Another variant of cultural capital is *social* capital which is defined as the influences and assets obtained through membership of particular networks and relationships. It is "the totality of the resources that may be called upon by virtue of being one of a network of durable social relations ... not simply connections, but the added value which membership in a group brings" (Bourdieu & Wacquant, 1992, p. 124). In the legal profession and specifically at the bar, social capital is cultivated at, for example, the dining sessions held at the Inns of Court. Similarly, *political* capital is derived from an allegiance to the social networks of political parties (Bourdieu & Wacquant, 1992).

Whilst the various forms of capital are interconnected, they are not pluralistically distributed (Bourdieu & Wacquant, 1992, p. 160). Where one possesses large amounts of economic capital there is often a good deal of social capital. However this is not always the case, economic capital can be symmetric and opposite the distribution of cultural capital (Bourdieu, 1977, p. 501). Academics are a case in point where the possession of a good deal of cultural capital is not necessarily followed with substantial economic capital. More importantly, individuals whilst attempting to maximise their ideal form of capital are at the same time often interested in reproducing the conditions most conducive to that preferred form:

Those sections which are richest in cultural capital are more inclined to invest in their children's education at the same time as in cultural practices liable to maintain and increase their specific rarity; those sections which are richest in economic capital set aside cultural and educational investments to the benefit of economic investments

(Bourdieu, 1977, p. 502).

The upshot being individuals deliberately disputing, "the forms of capital upon which the force of their opponents rests and often try to valorise the species of capital they preferentially possess or support" (Bourdieu & Wacquant, 1992, p. 99). Bourdieu has an effectively complete concept of class owing to his notion of capital a step away from the Marxian notion of class solely built upon an individual's economic position. Bourdieu draws on Weber's concept of the status group (making status in the main equal to cultural and symbolic capital) (Everett, 2002).

As the field is always in flux, the distribution of capital is never stationary. The social space remains dynamic through colonisation from the widespread field, unforeseen events and experiences, and competition over what in the field is valuable or otherwise. This conception of the social world is as fascinating as it is contentious because not only is one's position in social space dependant on the

changing possession of capital but possessed capital also shapes one's identity, ambition, choice of place to study and so on. In order to make sense of the linking of social space, capital, and individual identity it is essential to study another of Bourdieu's concepts, that of habitus (Everett, 2002).

### **Bourdieu and Class**

Social class is fundamental to Bourdieu and this both flows from objective economic or political criteria, and a broad understanding of class practices including tastes, clothing, home life and other social decisions. It is simplistic to point to who has influenced Bourdieu's position on class and to what extent. It is perhaps more important to distinguish Bourdieu from other approaches to class analysis. The most significant separation in the various areas of class analysis is with the differing forms of structuralism, most notably Althusser's (1971) formal conception of social class. Bourdieu himself distinguishes his own approach to class from that of Althusser:

Construction of a theory of a social space presupposes a series of breaks with Marxist theory. First, a break with the tendency to privilege substances – here, the real groups, whose number, limits, members, etc., one claims to define – at the expense of relationships; and with the intellectualist illusion which leads one to consider the theoretical class, constructed by the sociologist, as a real class, an effectively mobilised group. Secondly, there has to be a break with the economism that leads one to reduce the social field, a multi-dimensional space, solely to the economic field, to the relations of economic production, which are thus constituted as coordinates of social position. Finally, there has to be a break with the objectivism which goes hand – in – hand with intellectualism and leads one to ignore the symbolic struggles of which the different fields are the site, where what is at stake is the very representation of the social world  
  
(Bourdieu, 1985, p. 195).

Fundamental to Althusser's approach is detailing the value of theory within the logic of Marxist science, which falls victim to theoretical categories and subsequently a concern with class that is theoretically laden. Bourdieu's work is purposefully different from such approaches particularly in its use of a unique method. Nevertheless, whilst there is a separation from structural Marxism, the break is not 'clean':

...but we are all so impregnated, whether we know it or not, whether we want it or not, with the problems which Marx has bequeathed to us, and with the false solutions he brought to them – class-in-itself and class-for-itself, working class and proletariat and so on – that one must not be afraid to 'twist the stick in the opposite direction'.

(Bourdieu, 1985, pp. 195-96)

### **Bourdieu and Class – Classes, Capitals and Fields**

It would be inaccurate to suggest that class as theoretical concept is wholly reliant on objective factors, but neither is it a conscious process of subjectivity. Bourdieu moves between the two and his method, therefore, leads to a unique way of forming a position on class. According to Bourdieu, classes (are) sets of agents which occupy similar positions. Being placed in similar conditions and subjected to similar conditionings means there is every likelihood of having similar dispositions and interests and therefore producing similar practices and adopting similar stances. He does however state that this 'class on paper' has the theoretical existence and is not really a class in the literal sense, instead he suggests at most it might be called a probable class, inasmuch as it is a set of agents which will present fewer hindrances to efforts at mobilisation than any other set of agents. (Bourdieu, 1985, p. 198).

Bourdieu's answer to the question of what causes agents to act is relational to other events such as the rise of nationalism or the intervention of leaders to 'name their constituents' so as to lead them, together with objective circumstances perfect for political action, that provides the catalyst for field

of forces to deviate its influence on agents. Classes therefore seem to have the epistemological status of tendencies that depend on a series of factors, including relational and voluntary events, to determine whether they are actualised or not (Harker, et al., 1990). Whether this relational type of action is 'real' or not may be a matter of opinion for the reader:

A class exists insofar – and only insofar – as mandated representatives endowed with plena potestas agenda (the full power to act on behalf of) can be and feel authorised to speak *in its name* – in accordance with the question 'the party is the working class' or 'the working class is the party'.

(Bourdieu, 1985, p. 217)

Bourdieu moves persistently between subjectivity and objectivity. He moves to the subjectivist side to make fun of leftist pretensions (the naming of a class that a class is constituted). In this subjectivist mockery, class and class action are taken to be the stage where vanguardist figures bring the play to life by invoking their right to 'name a class' (Harker, et al., 1990). Conversely, as shown in his earlier works, he makes the objectivist case more strongly.

### **Class Habitus**

It is habitus that binds the link between objective and subjective notions of class. Bourdieu's *Distinction* (1984), provides an illustration of this and the analysis of the genesis of social relationships is the primary focus. A useful methodological point can be made here. Where Bourdieu makes structural generalisations, he will often use non-crucial quantitative statistics, but what makes the evidence overwhelming is the qualitative material and its subsequent analysis, consistently built up in order to make an intuitive appeal to the reader. Therefore, the effect of the presentation of evidence is of a broad based and heavily documented intuition (Harker, et al., 1990). In *Distinction*, this presentation of intuition is demonstrated more emphatically than anywhere else where the lifestyles of France's class structure are explored in depth.

Bourdieu's concept of class in objectivist form is conflicting. During *Distinction*, he meanders from a relatively straightforward occupationally-based classification system towards class as a relational theory that deals in turn with the dispositions of the dominant, petit bourgeois and working classes. Bourdieu makes connections between broad dispositions and class through his use of three broad qualitative categories (the *sense of distinction* for the upper class, *cultural goodwill* for the middle class, *the choice of the necessary* for the working class).

Bourdieu's argument is to present a rationale for the dominant classes 'sense of distinction'. A simplistic explanation of a complex theory but what separates *this* class is a long, legitimate and ingrained habitus that dictates a way of dealing with the world. Whilst ambiguous, it nevertheless brings to the attention of society the structure of a developed, authoritative power. Dominant fractions are subsequently able to acquire and possess expensive items of required quality. Style does not guarantee a high position in the taste stakes however; the acquiring of such cultural practices cements their position in relation to culture and therefore supports the reproduction of their class – a pedestal from which they can never really fall.

Those in the middle class hope to be accepted and respected. They admire culture without really understanding it thus leaving a propensity to commit cultural mistakes, something that has no consequences for those holding a position in the dominant class. Such failures lead to the view that being on the outside and not part of those 'in the know', will always be the norm. To the aspiring upwardly-mobile middle classes, educational capital should be 'got right', and must have some worth as a determining class characteristic which it must not have for those with a place in the dominant classes (Bourdieu 1984: 331). The identity of this class is comprised of those with a small amount of economic capital (for example a small business owner) and a degree of sacrifice, conformity and duty. They make great attempts at frugality and saving, however those with cultural capital concentrate their efforts and energies on education.

In *Distinction*, his chapter on the working class is called 'The choice of the necessary', however much like Bourdieu's methodological process it would be incorrect to suggest that working-class habitus is simply a result of economic hardship or restraint. Bourdieu believes just because one has a million this does not make them a millionaire. In a similar vein, jealousy towards 'the rich' and their ways of living and expensive taste is actually jealousy over money.

Subsequently, habitus within the working class exists out of necessity. Ultimately, that necessity is outgrown. A home is built for purpose, not for taste. The TV, less affected by money coming into the home, caters for the different tastes of the classes with realistic and practical programmes the preferred choice of working class. The middle classes prefer programmes of a more 'cultural' nature. Later on in the legal labour market, this carries weight as capital where a middle-class applicant to a middle-class law firm will have capital-in-common with those conducting the interview and who are looking for someone who will 'fit' into their firm, be part of the team and share middle-class interests. A person's taste can be seen in a variety of ways from the type of music they listen to, to the sort of holiday one takes. Linked to labour divisions, such a relationship is more moderated by social choice. An act of social construction, class is also a product of objectivist labour division. Class habitus provides a predisposition for class practice that in itself has predetermined limits defined by the division of labour. Within class, participants know the practices and even objects within a field have a certain 'value' imperative to this reproduction. Participants' therefore know the repercussions of their class cultural practices and the implications of attempting to vary them or their worth. Such practices constitute different meanings that in turn coordinate practice, beyond the will of the participant and subject to that will.

### **Class Trajectory**

An important aspect of Bourdieu's work is his theory of class trajectory, which in two individual connections explains two interconnected problems. When speaking about class trajectory, he is referring to movement within class structure and whether that movement, as a group, is upward or

downward. Indeed, the differences through time of occupational or class structure is explained using this concept. The concept of class trajectory is also used to explain why certain members or fractions of a class, through history and over time, motion towards the tastes of another class, perhaps owing to their background, or desires for their future, lie in the direction of this different class (Harker, et al., 1990). It is important to remember that simple class reproduction isn't necessarily possible, owing in part to the coming and going of classes and class fractions, useful ammunition to the critics of his 'reproductionism':

Nor is it accidental that the oldest classes or fractions are also the classes in decline, such as farmers and industrial and commercial proprietors; most of the young people originating from these classes can only escape collective decline by reconverting into the expanding occupations.

(Bourdieu, 1984, p. 108)

The economic field of production, much like cultural production, develops over time. In the same way, there are changes in the class structure. Therefore, owing in particular to new forms, some areas of distinction are rendered obsolete. To Bourdieu, individual trajectory is more pertinent than the collective because he is able to refine his account of class habitus to the level of class fraction by reference to individual trajectory. According to Bourdieu, it is possible to identify the children who have historical roots in the middle class from those that have only just recently arrived by their 'approach':

(Cultural capital) opposes those individuals whose families have long been members of the bourgeoisie to those who have recently entered it, the upstarts: those who have the supreme privilege, seniority in privilege, who acquired their cultural capital by early, daily contact with rare, 'distinguished' things, people, places and shows, to those who owe their capital to an acquisitive effort directed by the educational

system or guided by the serendipity of the autodidact, and whose relationship is more serious, more severe, or more tense.

(Bourdieu, 1984, p. 265)

Education is integral to cultural reproduction, in the credentialing and non-credentialing of grade inflation, and the capacity to use education for the enhancement and obtaining of economic capital, as well as in the family, which is integral to class habitus reproduction. This type of reproduction of class habitus is particularly important to the petit bourgeoisie.

Family could be considered as the link between class trajectory and individual trajectory. Bourdieu believes that to those born into the dominant class, their lofty position and class habitus is second nature. However, cultural capital is something that is strived for by those new to the class. It is wrong to simplify a class as a class and nothing more for this would ignore the divisions within, particularly the factions which dominate and those which are dominated. Owing to shifts in the economic climate, the dominant classes manoeuvre the quality of the capital they possess to enhance and solidify their position.

Amongst the petit bourgeois the desire for an upward trajectory is most notable, a desire traditionally found in those individuals who carry the investment of their class. Differing class fractions immerse themselves with differing forms of capital:

Fractions richest in economic capital ... concentrate their efforts ... on saving ... the fractions richest in cultural capital ... mainly make use of the educational system (both exhibit) cultural goodwill and financial prudence, seriousness and hard work.

(Bourdieu, 1984, pp. 333, 337)

In similar social space, we may be able to read variant class habitus by reference to the notion of class trajectory; that is, by reference to the history of the individual, and of the group. Collective and Individual trajectory are therefore interwoven. The decline in a particular class faction means while

some members of the faction stay on a horizontal trajectory through luck, work ethic, or impulse, the change in direction of the class faction changes the dynamics and characteristics of the field's capital, therefore devaluing the efforts of the individual trajectory (Harker, et al., 1990).

In conclusion, Bourdieu makes a break with the Marxist tradition of class analysis in favour of his own method, one of generative structuralism that conceives social space as a series of fields where the various forms of capital exist and are fought for by people within the field. Class is considered to be constituted by people in close proximity to these social spaces. It is cultural as much as structural:

Social class is not defined as a property ... nor by a collection of properties ... but by the structure of relations between all the pertinent properties that gives it specific value to each of them and to the effects they exert on practices.

(Bourdieu, 1984, p. 106)

There is no one specific definition of class; rather an unclear objectification of class centred primarily on the qualitative differences between the middle classes, working–middle classes and the working class. What is interwoven within the three is the notion of habitus of which there are numerous examples: the body, recreational activities, associations, political affiliations, taste in music, whom one marries, and choice of university – in all these ways, the lives of classes are constructed. Such initial confusions are made more ambiguous as a form of understanding with the use of the notion of trajectory, be it class or individual, to explain the differences that fractions in a class may display in their practice and in their characteristics.

### **Social Class and Higher Education**

Educational and sociological theory has long had social class as a dominant theme. Whilst the importance of social class varies depending on policy and academic priorities, Hudson and Williams (1999) argue that, in recent times, the gap between broad sections of society has grown with differing levels of access to wealth, resources, well-being, life chances and qualifications. Theories of class

within a sociological context have viewed education as critical in reproducing middle-class privileges or working-class disadvantage.

Matters of social class within educational research have often focussed on compulsory schooling where it has been advocated that lower rates of achievement are attributable to working-class children and, furthermore, that they are less likely to pursue post-compulsory education, especially more prestigious forms of participation. Numerous studies have shown that working-class youths often experience inferior conditions, obtain less resources, work towards less esteemed qualifications and follow lesser-status trajectories, all of which occur throughout their educational passage (Reay, et al., 2009). Arguably the relationship between class, retention, attainment and access has grown in importance over time, both Britain and elsewhere. The noticeably small variations in participation rates of working-class young people following various widening participation schemes and initiatives and the large-scale expansion of higher education provides evidence of the difficulties such a problem poses (Archer, et al., 2003).

There is little agreement about how to theorise education and its relationship with social class. This is despite or even because of numerous attempts to explain the generally poorer levels of achievement and lower rates of participation in post-compulsory education by working-class groups'. Why is it important to theorise education and social class? Because some widening participation approaches are considered to be lacking in any theoretical grounding (Archer, et al., 2001). The conceptualisation of social class and higher education is important because it effects the manner in which research on widening participation is carried out. Preconceived notions influence conclusions and policy recommendations adopted within research, the methods adopted, mode of analysis etc. are all influenced by the researcher's theoretical position. The result is a researcher's views on society and structure that has within it grounded opinions on social class. Such a view and the way in which it is considered within studies on widening participation and higher education underpins how research questions are framed, how problems are comprehended and the array of conclusions suggested:

Since answers to them presuppose some further theoretical elaboration about the nature of class inequalities and the way, in which these can be related to the structure and functioning of higher education.

(Williamson, 1981, p. 365)

As an example, depending upon how the researcher theorises higher education and social class, a study may elect to explore widening participation as an issue of institutional culture within higher education or as a matter of working-class experiences and expectations.

### **Bourdieu and Weber – Class Situations and Boundaries**

Bourdieu's *Distinction* was in part a culmination of data obtained from France during the 1960s and 1970s. The focus of this data collection was to analyse the association concerning status groups and social classes (Bourdieu, 1987). What constituted the former was taken from Weber (1958) who averred those within a particular status group to have an equivalent 'style of life'. What is intrinsic to Bourdieu's position on class analysis is the relationship between class analysis and symbolic systems and furthermore, the position of class boundaries between classes. Bourdieu's position on "class" and "status group" that appears in *Distinction* finds its routes in an early paper, where he considers Weber's approach to "class" and "status group":

everything seems to indicate that Weber opposes class and status groups as two types of real unities which would come together more or less frequently according to the type of society, however to give Weberian analyses all of their force and impact, it is necessary to see them instead as nominal unities ... which are always the result of a choice to accent to the economic aspect or the symbolic aspect – aspects which always coexist in the same reality ...

(Bourdieu, 1966, pp. 212-213)

It would appear that Weber's approach to class and status is understood by Bourdieu as one that encompasses the relationship between the symbolic and the economic or material. He believes these should not be considered as different modes of stratification that result in alternative groups of people who think of themselves as belonging to an identifiable social group. Yet the differentiation between class and status could merely be something of analytical convenience, a convenience ill-favoured by Bourdieu. The result is a preference for class analysis to include analysis of economic and symbolic relations in way akin to Weber's "status communities" (Lareau & Weininger, 2004).

Further to his suggestion that there is an economic and symbolic component to class analysis, Bourdieu refuses to accept the need to isolate one class from another, an aspect considered essential to class theory. He suggests that various studies of "social classes" serve only to highlight the questions faced by those who hold political office:

Political leaders are continually faced with ... practical imperatives which arise from the logic of the struggle with the political field, such as ... the need to mobilise the greatest possible number of votes while at the same time asserting the irreducibility of their project to those of other leaders. Thus, they are condemned to raise the problem of the social world in the typically substantialist logic of the boundaries between groups and the size of the mobilisable group...

(Bourdieu, 1991, p. 246)

There were a number of factors in Bourdieu's reasoning when he removed the sociology of class from the task of drawing up boundaries between classes. First, Bourdieu believed in a form of social sciences that kept political interest separate from the scientific, however it is suggested that often at the centre of political conflict is the drawing of lines separating one social group from another (Donnelley, 1997). Second, he believes that the premature separation of social groups with clear boundary lines renders sociologists open to criticism for allowing their theories and research practice to treat social classes as

pre-established entities that exist independently of anything external to themselves (Emirbayer, 1997). Bourdieu's aversion towards arguments concerning the dividing lines between classes, most notably the lines separating the middle-classes from the working-classes and the political clashes they create, are the underlying reason for these factors. Contrary to the pertinent roots of such factors, Bourdieu suggests that sociology should concern itself firstly with the type and manner of existence of collectives (Bourdieu, 1991). The inference here is the necessity to understand boundaries rather than in terms of theoretical conjecture but instead in respect of social practices.

The issue of boundaries has long been prevalent within social class: where one boundary starts and another finishes, and how one justifies the various selection criteria used in social class studies: schooling, family background, parental occupation, wealth, disposable income, life chances, means of production and so on. Should every one of these criteria be used, so no choice is afforded, theoretically justification for the decision is still necessary (Smith, 2002).

Some advocate the abolition of social class boundaries altogether (Stewart, et al., 1980). However, to adopt such an approach would suggest an abandonment of social class as a definable phenomenon. To suggest social class boundaries are unspecified would be to call into question the very study of class and raise serious questions pertaining to the study of sociology itself (Lee & Turner, 1996). Using Weberian analysis, Smith (2007) offers a possible solution based upon the 'probability' approach adopted in the natural sciences. He endorses Erwin Schrodinger's work, where rather than trying to identify an electron's precise location, a probable location should suffice (Atkins, 2003). Such an approach is worthy of discussion in a sociological setting. Further sociological research may wish to consider a probabilistic approach to the study of social class boundaries, especially where the positioning and social space occupied by individuals within a social setting may well change many times during the course of their lives.

It would be amiss to suggest a probability concept of social class is completely absent within sociology. Weber avers 'class situation' to be a probability that flows from the relative control over goods and

skills that offers a position in life and within a particular economic order (Weber, 1978). He further defines class, (separated from class situation) as all those located within the same class situation:

- 1) A 'property' class that ultimately is defined by property differences;
- 2) A 'commercial class' owing to how marketable goods and services may be and;
- 3) A 'social class', a sum of the respective class situations whereby individual and generational mobility is easy and typical.

(Weber, 1978, p. 302)

Weber's definition of class has not always been so well refined and specific. His earlier characterisation of class was more categorical, particularly in terms of market situation and did not allude to the potential of probability:

We may speak of a 'class' when (1) a number of people have in common a specific causal component of their life chances, insofar as (2) this component is represented exclusively by economic interests in the possession of goods and opportunities for income, and (3) is represented under the conditions of the commodity or labour markets.

(Weber, 1978, p. 927)

When comparing the old and new Weberian approach to class and class situation, we have one approach grounded in individual and intergenerational social mobility and one that is rather more categorical in its definition of class. The now orthodox approach of defining class situation (Goldthorpe, 1987; Runciman, 1990; Roberts, 2001), that of sharp separation between one class and another (drawn ordinarily owing to the 'informed professional judgement' of the researcher (Scott, 1996, p. 131) and notwithstanding the illogical nature of drawing lines) is of course at odds with a probabilistic notion of social class.

Whilst there is a conventional approach to class defining using clear and present boundaries and an approach that suggests no boundaries exist at all, the probabilistic theory offers an intermediary. An intermediary that serves to loosely establish boundaries but without clear definition and offers a place to an individual that it is probable that they occupy a given space in a social class at any given time. Considering Weber's views on social class which are defined in terms of social mobility, this thesis may well consider what are the odds that an individual born into a given class situation, for example the son of a receptionist, will stay within their original social class or move from it to another. Using a probabilistic approach to social class, the question can be redefined to consider what the chances are that an individual will be found in a different social class from the one they were originally born into.

### **The Contextualisation of a Weberian Approach to Social Class**

It is useful to discuss Max Weber's probabilistic approach to social class because it provides a way of understanding the boundaries of a social class. Within contemporary sociology it is suggested social mobility takes place where a person leaves the boundaries of one social class for another. However, Weber defines social class alternatively in his later talk of class situation. He avers that social class is the culmination of, 'the totality of those class situations within which individual and generational mobility is easy and typical' (Weber, 1978, p. 302). Weber is suggesting here that social mobility not only takes place through moving from one social class to another but also *within* social classes and it is the same that actually delineates the boundaries. The boundary ceases where social mobility is no longer 'easy and typical'. According to Weber, unless social mobility occurs within its boundaries then there is no social class and poignantly such a kind of social mobility explains these classes as opposed to challenge them. Smith (2007), suggests that we can understand and explain Weber's somewhat ambiguous 'easy and typical' statement when we apply a basic knowledge of probability theory. Interpreting Weber, Smith (2007), believes where a person can commonly move from one occupation to another, either within their own life trajectory or compared to that of their parents, individual and intergenerational mobility from one class situation to another could be said to be 'easy and typical'.

Here there is a social class. Should social mobility be unusual between class situations, for example between a lawyer and a butcher, such class situations would not constitute a social class. Of course, it is not impossible for one of the above to become the other, but it is not the norm, the occupying of such class situations would not amount to a social class.

To understand what Weber means by this 'easy and typical' notion we should view his words in context and, in particular, the context within which he defines social class and discusses his theories on class situations. To surmise we could suggest that something is 'easy and typical' where it is probable, probable being, like in the civil law and on the balance of probabilities, ultimately a greater than 50 per cent chance of occurring.

A criticism of such an approach would be its arbitrary in nature. The line is drawn at 50 per cent but why not 25 or 45 per cent? Yet as is already considered a boundary surface is not the same as a boundary perimeter. A boundary surface is much less categorical and:

A boundary surface also does not establish the lower limit of class formation – social mobility might reasonably be said to be 'easy and typical' where only 20 or 30 percent of people are socially mobile – but only the upper limit; the point beyond which (mobility from the original class situation now having become so common) a social class may no longer be said to exist.

(Smith, 2007, p. 93)

Despite now understanding what Weber meant with his concept of social class, the boundaries set by class situations where social mobility is 'easy and typical', a further obstacle is the application of such a theory. In reality, what are the chances of a person who is born and raised within a class situation moving from that situation to a different situation? At what point are the odds more probable than not? Whilst this research is not Weberian in focus, it is possible to use Weber's ideas alongside Bourdieu's concepts of habitus and capital. For example, future research may suggest that by viewing

social mobility studies and analysing the possession of capital owned, it may be possible to suggest the likelihood a participant born into a particular class situation has of staying within a particular social class and even defining where such social class boundaries lie.

### **'More Marxist than Marx' and the break with Phenomenology**

Bourdieu describes modern Marxism as 'more Marxist than Marx' and aims to make two breaks with it (Bourdieu, 1985, p. 195), and with the type of phenomenological knowledge that aims to 'make explicit the truth of primary experiences of the social world ... and excludes the question of conditions of its own possibility' (Bourdieu, 1977, p. 3). Economism (Bourdieu's shorthand reference for Marxist anthropologists and structural Marxists), is believed by Bourdieu to have no place for the analysis of symbolic interest. Bourdieu still uses the term despite rejecting the economic use of the concept of the symbolic. To Bourdieu the 'symbolic' concept is not recognised as being so but is material (dress sense, accent, and 'style') and it is its misrecognition that denotes its efficacy rather than its materiality. Thus:

Symbolic capital, a transformed and thereby *disguised* form of physical 'economic' capital, produces its proper effect inasmuch, and only inasmuch, as it conceals the fact that it originates in 'material' forms of capital which are also, in the last analysis, the source of its effects.

(Ibid.183)

For Bourdieu, symbolic constructs of information, knowledge and power which make possible a commonality within a group as to the importance of the social world as well as affecting the reproduction of the social order. The significance of symbolic systems and the dominance they exert on the construction of reality is significant to Bourdieu's work. For Bourdieu language, dress codes, and body deportment are important factors in understanding the social and cognitive function of symbols. The Marxist tradition, however, asserts that symbolic systems have a political function and

answers the link between such systems in the interests of the dominant class, as well as the issue of false thinking within dominated classes. Bourdieu believes that such a philosophy can reduce power relations to relations of communication. The real political function which he sees symbolic systems as fulfilling, is their attempt to legitimate domination by the imposition of the 'correct' and 'legitimate' definition of the social world. The struggles between symbolic systems to impose a view of the social world defines the social space within which people enact the 'symbolic conflicts of everyday life', where the dominant exert themselves over the dominated through symbolic violence, for example via education, workplace relationships, social settings, even in conceptions of taste and beauty (Bourdieu, 1977, p. 115).

The social space is an area comprised of groups, characterised by different lifestyles. Symbolic struggles over the perception of the social world can take either an objective or subjective approach. Objectively one can act through the representations of (individually and / or collectively) in order to demonstrate a particular view of society. Subjectively one can act through self-presentation or attempting to change categories of perception of appreciation of the social world. Bourdieu moves to a study of the relationship between different forms of capital having analysed early economies where symbolic and economic capital are easily interconnected, and to introduce a distinction between them and use different calculations would be nothing more than evaluating other cultures according to preconceptions originating in the standards and customs of one's own culture.

Bourdieu asserts that 'phenomenological knowledge' is a separation from the naïve humanism that is satisfied with forming a science built upon only 'lived experience' and the 'rights of subjectivity'. As discussed previously, Bourdieu's work is concentrated within the interplay of structure and agency. The structure and agency debate focuses on the extent to which the actions of individuals or groups play in moulding society and what extent institutional and structural influences play in the same process. Marx indicated the role of agency by suggesting that men, through their actions, can alter the world but suggested there were social and economic forces that restricted them from doing as they

wished. Such a position emphasises society's structuring and determining qualities above and against the voluntarist ability of agents. In contrast, Weberian and phenomenological accounts place more emphasis on the actions of individuals to shape and reshape the world. One of Bourdieu's most significant influences is considered his attempt to create a method that synthesises structure and agency, through his use of habitus. His aim is to 'make possible a science of the dialectical relations between the objective structures ... and the structured dispositions within which those structures are actualised and which tend to reproduce them' (Bourdieu, 1977, p. 3). Bourdieu explains:

In the sixties, the main question was how to articulate the symbolic structure with the economic structure. This vision is now a fossil and can be surpassed by the use of fields and strategies (habitus). People play different games, which are autonomous, but at the same time, there are homologies between different games and, I think, there are general principles of the functioning of these games. What I want to write now is about the economy of symbolic goods ... the core of the economy is, I think, culture.

(Bourdieu, 1985)

The comparison with games is a method through which one can understand the characteristics of fields. By entering the game, the player is directly or indirectly accepting of its rules. These players must possess a feel for the game, which suggests a practical understanding of the game and its rules. The players do not share such a feel or competence equally, essentially the greater the competence the greater the mastery of the game. Subjectively Bourdieu suggests competency and mastery of the game are analogous to the ownership of a person's capital and habitus within a specific field. Bourdieu designed a formula demonstrating the relationship between habitus and field that replaced the relationship between individual and structure. The general formula that explains this social practice is (Habitus X Capital) + Field = Practice (Bourdieu, 1984, p. 101). Of course, such a formula should be viewed with caution, whilst summarily useful as an exploratory device it does not offer anything close

to what could be considered a conclusion. The elements need to be unpicked before one can understand the undercurrents that motivate it.

## **Capital, Social Class and the Legal Profession**

Within the legal sector the issue of social class and the effect of possessing various forms of capital has been studied extensively (see, for example, Cook et al., 2012; Rolfe and Anderson, 2003; Shiner, 1997, 1999, 2000; Sommerlad, 2007; The Sutton Trust, 2005; Vignaendra, 2001). These studies suggest that access to leading law firms is more probable for those who, based on socio-economic factors, are relatively privileged. Shiner (1997, 1999, and 2000) avers that those at the UK's leading law firms are likely to have been educated privately before attending an elite university (usually Oxbridge) and advantaged in terms of material resources. A report by The Sutton Trust (2005) into the educational backgrounds of the UK's leading solicitors, barristers and judges found that in 1988, 59 per cent of UK – educated partners in the sample group, (at three of the City's 5 leading 'magic circle' law firms) younger than 39 years old had attended private schools in comparison to 73 per cent of those 40 and older. In 2004, 51 per cent of the 40 and older group were independently educated compared to 71 per cent of the younger partners suggesting the intake is actually getting more selective over time.

Justification can be found through an emphasis on 'neutral' assessment of human capital, including qualifications obtained at school and university (Ashley & Empson, 2013). According to leading law firms, this is a viable way of testing potential, and establishing that graduates are somehow 'better' from old universities (Rolfe & Anderson, 2003). There are many problems with this assumption. One factor is that research shows that students from less socioeconomically-privileged backgrounds are less likely to achieve high A – level grades and will invariably attend a post-1992 university, although this is often attributable to the unequal access to resources, school-based factors (Metcalf, 1997), financial considerations (Archer, et al., 2007) and poor information (Reay, et al., 2001) rather than ability.

A lack of social capital compounds the disadvantage experienced by students from less privileged backgrounds, the differing ownership of which effects not only an individual's ability to access a legal

career but also their decision to aspire to a legal career in the first place (Allatt, 1993, Ball, 2003, Bourdieu, 1984, Francis & Sommerlad, 2009, Reay, 2005, Skeggs, 1994). There are also clear advantages afforded to those who access formal and informal social networks (Cabinet Office, 2009). Those from more privileged backgrounds tend to be part of more diverse and well-connected social networks, in comparison to those from less-privileged backgrounds who often struggle to establish social networks outside their immediate circle that provide limited knowledge and information (Rolfe & Anderson, 2003, Shiner, 1997, Shiner, 1999, Shiner, 2000). Particularly with top law firms, the possession of social and cultural capital can be a key determinant to successful entry (Shiner, 2000).

Highbrow tastes, leisure pursuits and accent are forms of 'embodied capital' that elite law firms desire in their preferred trainees (Cook, et al., 2012). The top law firms as a key way of generating, distributing and signifying the valorised 'institutional capital' use certain educational establishments to recruit prospective trainees (Sommerlad, 2007). Attendance at Oxbridge provides a degree of 'class cachet' (Galanter & Roberts, 2008), especially in comparison to attendance at a new university which is used as an indication of (lower) class (Sommerlad, 2007). Sommerlad (2007) avers that social stratification is not just linked to class but image. Image and Reputational capital have become central to the selling of professional services at the top end of the legal profession and is created through familiarity, face-to-face contact and the forging of client/advisor relationships in which parties are deemed to be social equals (Hanlon, 2004).

### **Bourdieu and the Law**

The law is a social field – a set of objective and historical relations between positions of social actors who tussle for influence or capital – in which participants struggle over the adoption of the symbolic power that is implicit in legal texts. Thus, the law becomes a form par excellence of symbolic power (and of symbolic violence) given the opportunities possessed by its practitioners to produce institutions, and with them historical and political realities through an unassuming exercise of naming (Bourdieu, 1986). The internal structure of the field is related to the notion of domination. Legal

authority is the privileged form of power, particularly in terms of legitimate symbolic violence (monopolised by government) which the state produces and actively engages in (Pross, 1989).

Considering the law is a social field, it comes as no surprise that there is an unrelenting struggle among the players for the appropriation and distribution of capital. Theoretical debates surrounding this often seek to bring together a certain possession – position – distribution of the symbolic capital that is contested both within and outside the field. Within the legal field actors are located in different positions hoping to have the final say about the meaning and effect of the law. It is not merely an intellectual contest; the ramifications are political and thus legal debate affects the distribution of capital within the political field. Controlling the law is important to social control. For example, the legal limits of the right to property are also a response to poverty and social marginality. This is why the struggle is also seen outside the field.

The outcome of legal discussions cannot be known merely because one has an understanding of the material parameters within which legal discourse takes place (as some legal theories suggest). The legal field and all it symbolises cannot be broken down to purely economic forces; it does not simply mirror the material world (Pashukanis, 1978). Equally, the law cannot be disconnected from the social conditions in which it resides. These extremes would be ignorant of the existence of law understood as a social field that is usually autonomous (García-Villegas, 2003). Bourdieu believes this is determined by two factors: first, by the specific power relations that give it its structure and that guide the struggles of competition or, more precisely, conflict jurisdiction which is held; and, second, by the internal logic of legal works defining at each moment of space possible within the legal field (Bourdieu, 1986).

### **The Sociological and Legal Science Theory of Bourdieusian texts**

What Bourdieu refers to as a rigorous science of law (as opposed to a legal science) is a critical explanation of law in a sociological context, that is to say a critical sociology of law. When considering

the sociology of law, two differing approaches need distinguishing. First, some writers, namely classical sociological theorists, use the traditional workings of sociology and intertwine the law accordingly in a way known as the sociology of law (Treves, 1977). A second perspective, known as a socio – legal approach, with writers theorising in a way that is critical of formalist legal philosophy (Alland & Rials, 2003). Ultimately, Bourdieu puts distance between himself and the critical or progressive materialistic perspectives of a Marxist Althusser or anthropological Levi–Strauss. Such a distance can also be found between Bourdieu and a second social materialistic approach, originally sourced in the Free Law Movement associated with Ehrlich, and Gurvitch (Bourdieu, 1986, p. 14). The latter approach avers that the law should be derived from society; it should be a platform for the expression of societies and communities current interests and trends.

Whilst Bourdieu’s ideas and theories on law could have some influence on the legal field and its players, it would be far from the truth to suggest his aim was to construct a theory of law. Rather Bourdieu was aiming to construct a sociological explanation of law consistent with his theory of social fields, and in particular his notion of habitus. Bourdieu’s theories should subsequently be seen through a sociological perspective rather than as legal science. Further, it is suggested an immersion in his social and critical theory of rules and habitus is required in order to accurately interpret his comments about the law and lawyers. Not starting from this vantage point (Bourdieu’s social theory), for example, would negate the varying interpretations afforded by Bourdieu to the word norm or rule: as social regularity or as legal norm. Such notions, including that of habitus, are at the heart of Bourdieu’s work. Bourdieu rejected rules as an explanation of social regularity or civil obedience and further rejected the concept of norm – interpreted as legal or moral commandment (Bourdieu, 1977). Habitus is then an intermediate concept between rules – in the legal sense – and rules in the physical sense.

Viewing Bourdieu’s structural theory of practice where he connects culture, structure and practice (under the banner of habitus), permits us to understand his disdain for terms such as rule or norm. He considers them barriers to understanding habitus and obtaining true knowledge of social practices.

Add to this the monopolisation and ownership of symbolic violence by lawyers and unsurprisingly Bourdieu speaks less favourably of lawyers than, for example, artists. Bourdieu was however careful not to go too far in his disapproval of the legal field:

The reaction against legalism in its open or hidden form should not lead to making the habitus exclusive of any practical principle, although there is no practice that has habitus in principle.

(Bourdieu, 1977, p. 25)

It can be argued that law is the exception where habitus is the rule because where habitus cannot satisfy its regulatory functions, legal rules can fill the void.

Rather than the black letter law itself such as judicial precedence or statute, Bourdieu is interested in law as a social field where social production and reproduction are executed and defined. It is suggested his view is somewhat rhetorical rather than analytical, particularly, for example, in his disapproving views about lawyers and their claims of possession of a neutral truth. He is trying to break down legal science, insofar as the law is an upholder of symbolic violence that in turn permits the reproduction of the structure of social domination and the belief in that processes legitimacy (García-Villegas, 2003).

Bourdieu's theories of conceptualisation of the law are not beyond criticism. As either a critical theory or flawed critical theory, they can be questioned. The belief that law is an effective expression of *bona fide* state violence suggests that law is dominant and ruling in a political or social context. However, such a view of the state and law prevents the emancipatory potential a discussion on rights can often-illicit (McCann, 1992).

### **Bourdieu and the "Juridical field"**

Bourdieu's *The Force of Law* attempts to explain the invisible but forceful influence of the field upon patterns of behaviour, in this case, in the legal world (Bourdieu, 1986). Bourdieu's examples are

understandably mostly French but applicable to other legal systems in similar nations. His investigations are a case study of a larger system, and of a broad series of patterns in the “juridical field” overall.

Bourdieu’s primary claim is that like any other social field, the juridical field encompasses a “legal culture”, essentially a body of internal policies, procedures, intrinsic values and representative beliefs. Within this is a settled, but incomplete, autonomy. If we take the term "politics" in its widest sense, referring to the varying factors (economic, cultural, linguistic, and so on) that define the forms of relation within a given social realm, there is effectively an internal politics of the profession, which exercises its specific and universal effects on all facets of the law's functioning from the peripheral to the professional body itself. As a professional within the legal field there has to be an acceptance of the rules of legislation, regulation, and judicial precedent by which legal decisions are seemingly structured. Bourdieu asserts that the particular codes of the juridical field—the determining effect of the social, economic, psychological, and linguistic practices which, while never explicitly chronicled or recognised, lie beneath the law's functioning—have a decisive power that needs be deliberated if we are to understand how the law really works in society.

The tussle for control in a social field leads to a hierarchical system—in the case of the juridical field, to a structure of differential professional prestige and power attaching to legal subspecialties, approaches and so on. This system is at no time clearly recognised as such. In fact, such an implicit hierarchy is often explicitly contrary to the doctrine of professional collegiality and the theoretical equality of all practicing members of the bar. Nevertheless, this covert "division of juridical labour" structures the legal field in ways which Bourdieu endeavours to illuminate. For example, it pits sole practitioners against members of large firms; or corporate lawyers against lawyers for disadvantaged groups; or, on another level, the supporters of more scholarly approaches against those preferring more "practical" tactics in determining specific legal issues (Terdiman, 1987).

## **Methodology**

### **Introduction**

Bourdieu's contribution to the social sciences could be described as attempting to construct a general theory of practice. His bringing together of the supposedly irreconcilable concepts of objectivism and subjectivism provides a way of dealing with the problems previous social scientists encountered. Bourdieu's work is acknowledged to have gone beyond this opposition of conceptions and has brought them together into a dialectical relationship between structure and agency. Bourdieu believes that the two are interlinked through the notions of habitus, field, capital and doxa. His work is considered to have interwoven western thinking into a synthesis of his own founded upon the works of Marx, Durkheim, Weber, Saussure, Wittgenstein, Benveniste, Canguilhem and from varying schools of thought including phenomenology and structuralism to analytical philosophy. However, to attach a post – Marxist, post – Structuralist, Marxist or Weberian label to Bourdieu would demonstrate a misunderstanding of his work. Bourdieu has often reflected upon his own position within the intellectual field and the genesis of his ideas. It is important to note when reading Bourdieu that his thoughts are presented, written and rewritten in a dialectical manner and, from the 1960s onwards, he reworked his ideas many times over. He operates within an interwoven structure of theory, empirical work and subsequently reforming of theory again only at a different level.

I find myself relating to the life trajectory of Bourdieu, a difficult and non-conventional journey from working-class roots to academia. I am fascinated by his work on class, habitus and culture and find his work insightful and enlightening. For some researchers, including myself, I appreciate the advantages of a Bourdieusian process of engagement and can relate to such emotional and aesthetic considerations. I, like others, appreciate that Bourdieu appears because of his relentless and publicly critical nature (Robbins, 1999) to have an empathy for those who are in anguish in the contemporary world. I also appreciate his "predictive power", having accurately projected and foreseen a series of social trends and prospective developments in his home country of France (Robbins, 1999).

### Why Choose to Do a Case Study?

Case studies providing descriptive details about the experiences and expectations of working-class students studying law are needed because the legal profession, especially the elite sectors, remains largely closed to outsiders, especially to those from working-class backgrounds (Sommerlad, 2007). In the early stages of inquiry, researchers often turn to case-study methodology. Case-study research is often a qualitative instrument; it provides for a rich description of an event or of a small group of people. Findings are rarely generalised because they are limited in scope; however, they can provide an understanding of events and behaviours, and offer hypotheses for testing thereafter (MacNealy, 2002). Case studies can be used to *explain*, *describe* or *explore* events or phenomena in the everyday contexts in which they occur (Yin, 2009). They can, for example, help to understand and explain links between working-class law students and their career pathways related to their choice of university.

A case study will help me to explore students' experiences. In contrast to experimental designs, which seek to test a specific hypothesis, the case study lends itself to capturing qualitative data and can offer additional insights into *why* a student went to a particular university to study law or *what* underlying factors exist in a student's expectation from studying law. This in turn can help develop or refine theory. Case studies are particularly useful when the success of the research project depends upon involvement. Participants are directly involved through providing information via interviews and focus groups thus promoting participation. A methodological strength of case studies is their flexibility as new areas of information that were foreseen in the original research plan can be determined and expanded upon (Pelto & Pelto, 1978). Unlike surveys, questionnaires or other 'measuring instruments' that cannot be changed once distributed, the researcher can adapt the topics addressed and the questions asked as he or she works through the data collection process, and uncovers the most important points for further exploration. Case studies are a useful way of documenting changes experienced by participants rather than depending on standardised instrument (Patton, 2002). Case

studies are valuable in exploratory research in areas where there is little previous work and not much is known about the topic of interest (Patton, 2002). They have been used by researchers like Sommerlad to explore diversity, continuity and change within the legal profession (Sommerlad & Sanderson, 2009), and like this research, they use Pierre Bourdieu's conceptual framework as a theoretical backdrop.

The deep and subjective perspectives acquired through case studies can identify issues that are not easily revealed through other methods of data collection. A rich case leads the reader first to awareness and then to understanding to facilitate the construction of knowledge as if he or she experienced the events described (Patton 2002). Information collected about idiosyncratic experiences and the narratives which document those experiences are often engaging because they are ultimately stories about someone else, seemingly a captivating topic for most people.

Value judgments and philosophical matters play an important role in the analysis of case study research. Assessment of the meaning of the data also depends on the researcher's knowledge of the entity or event studied (Pelto & Pelto, 1978). Case studies do, however, provide more discretion to choose which information to include in the research, and how to present and interpret it. It is important to note that this subjectivity is not purely a disadvantage because it is the flexibility and personal nature of case studies that make them vibrant, rich sources of data. Case studies are detailed examinations of specific persons or places and the number of participants included is usually small. They are labour and time intensive, both in terms of data collection and writing the case study narrative. Case studies also require a high level of analytical ability and writing skill to successfully integrate and document the information obtained from multiple sources of data (Marrelli, 2007).

### **Habitus as a Methodological Tool and its use in Educational Research**

Bourdieu 'works in a spiral theory, empirical work and back to reformulating theory again but at a different level' (Harker, et al., 1990). This can result in a problem of consistency of concepts, although

Bourdieu believes this is positive and suggests his concepts are 'open concepts designed to guide empirical work' (Bourdieu, 1999b, p. 107). According to Bourdieu:

Ideas like those of habitus, practice, and so on, were intended, amongst other things, to point out that there is a practical knowledge that has its own logic, which cannot be reduced to that of theoretical knowledge; that in a sense, agents know the social world better than the theoreticians. (Bourdieu, 1991)

In theory, this fits well with the reality of the 'real' world, however the danger is that habitus becomes whatever the data reveals. This suggests there may be conceptual gaps and whether habitus can be used as a method, Bourdieu describes his concepts thus:

The main thing is that they are not to be conceptualised so much as ideas, on that level, but as a method. The core of my work lies in the method and the way of thinking... my method is a manner of asking questions rather than just ideas. (Bourdieu, 1985 quoted in Maher, C et al (1990)

Here Bourdieu is using the term 'method' in an open sense but what we can interpret is he believes that habitus is primarily a conceptual tool to be used in empirical research rather than poured over in texts. If habitus is viewed fluidly as both method and theory; a way of understanding the world, then the difficulties, inconsistencies, risks of determinism and so on are less problematic (Reay, 2004).

Habitus provides a method for simultaneously analysing the experience of social agents and the objective structures which make the experience possible (Bourdieu, 1988). Using habitus as a conceptual tool ensures that the research focus is always broader than the specific focus under study (Reay, 2004). Habitus is a way of viewing structure as taking place within small-scale interactions and activity within large-scale settings. It is vital to understand that individuals play a part in creating their social worlds; Bourdieu's method places an emphasis on the way in which 'the structure of those worlds is already predefined by broader racial, gender and class relations' (Bourdieu, 1992, p. 144).

Bourdieu's challenge to use the concept as a way of interpreting the data is neglected and subsequently habitus, rather than becoming a way of working with the data instead becomes a way of explaining the data. (Reay, 2004). Such an approach has been adopted within this study.

Educational researchers have operationalised the concept of habitus. Atkins (2000) works with qualitative interviews, utilising habitus in relation to individual dispositions of rural adult learners and tries to move to the idea of a joint rural habitus from individual dispositions. Dumais (2002), on the other hand, in her study of cultural capital and schooling, utilises quantitative data. She operationalises habitus as students' occupational aspirations, arguing that views about the opportunity structure and what is needed to do well are all part of habitus. She does however accept that her study is only the beginning in trying to operationalise the concept of habitus together with cultural capital given that student ability is only part of it (habitus) when it comes to getting a prestigious job. Nash, (2002) uses focus groups and interviews to examine the consequences for working-class students who reject the concept of education offered by school and who cannot build a habitus in accordance with it. He works carefully with the data to describe 'the educated habitus' and how the working classes are both excluded from it, and exclude themselves from it.

Paradoxically the conceptual looseness of habitus also constitutes a potential strength. It makes possible adaptation rather than the more constricting straightforward adoption of the concept within empirical work' (Reay, 1995b). Nash (2002: 46) avers 'if the full value of Bourdieu's method is to be achieved, it will be through the close investigation of definite habitus, as states of mind or effective dispositions'. It is suggested that there is a real requirement for habitus to be put into practice.

### **Possibilities and Limitations of Using Habitus in Relation to Research**

Habitus can be used to focus on the ways in which the socially advantaged and disadvantaged play out attitudes of cultural superiority and inferiority ingrained in their habitus in daily interactions (Reay, 2004). Such dispositions are influenced by gender and 'race' as well as social class. Gender is subsumed

in much of Bourdieu's work by his primary focus on social class and, despite his main anthropological research being of the Kabyle tribes of Algeria, the way in which habitus is differentiated by 'race' goes unmentioned. It is argued in some quarters that there is a requirement to increase the level to which racial and gender differences are connected circumstances that can arise within and across cultures and social classes or ethnic groups within larger nation-states (Cicourel, 1993). Reay suggests:

Habitus is a way of looking at data that renders the 'taken-for-granted' problematic. It suggests a whole range of questions not necessarily addressed in empirical research; How well adapted is the individual to the context they find themselves in? How does personal history shape their responses to the contemporary setting? ... These questions clearly raise issues of gender and 'race alongside those of social class.

(Reay, 1995a)

Habitus can therefore be used as a tool for discovering how class, 'race' and gender are embodied in a whole range of bodily gestures and not just through the actions or attitudes of individuals (Reay, 1995a). Whilst most criticisms of habitus invoke structuralism or determinism (Alexander, 1995), some of Bourdieu's work provides greater room for agency. As McNay (2001, p.146) suggests, "there has been an increasing emphasis in Bourdieu's more recent work on moments of misalignment and tension between habitus and field, which may give rise to social change". Many of the poor and dispossessed interviewed in *The Weight of the World* (Bourdieu, 1999b), were looking for ways of changing their lives showing a great deal of striving, resistance and action designed to change current circumstances. Habitus moving across a novel, unaccustomed field frequently gave rise to:

A habitus divided against itself, in a constant negotiation with itself and its ambivalences, and therefore doomed to a kind of duplication, to a double perception of the self, to successive allegiances and multiple identities.

(Bourdieu, 1999b, p. 511)

It is difficult to see determinism here. The focus on pre-reflective dimensions of action is the problem rather than a lack of action (Reay, 2004). Some argue that Bourdieu exaggerates the unconscious impulses and aspects of habitus, disregarding routine everyday reflexivity (Sayer, 2004). Others suggest that in Bourdieu's formulation of habitus, individuals' adjustments are made unconsciously (or at least subconsciously) to the external world (Farnell, 2000). Furthermore, habitus as a concept levels out the distinction between reflection and pre-reflective, and that 'it needs to recuperate the reflective and creative aspects of practice' (Crossley, 1999). What is apparent is that habitus is operating unconsciously within the individual until the point at which an individual confronts events that result in self – questioning and habitus begins to function at a conscious level and the individual develops new facets of the self. For Bourdieu, disjuncture between field and habitus arise when individuals with a well-established habitus find themselves in different fields, or different parts of the same social field.

## **Research and Data Collection Method**

### **Introduction**

This section of the thesis outlines the data collection methods used in the research and shows how the relationship between the researcher and research participant is vital to the success of the study. It also explains the ethical issues which arose during the course of the research, how they were anticipated and how they were dealt with when they arose. First, it describes the sampling process and how initial contact was made with participants. It then deliberates ethical issues before considering my relationship with the research participants.

### **Research Methods**

My research followed an interpretivist approach relying on naturalistic qualitative methods (interviewing and focus groups). These methods complement each other and put me in a position to elicit rich data. Interpretivist positions are founded on the belief that reality, at least to some degree, is socially constructed and fluid. Thus, what we know is, to an extent, negotiated within particular cultures, social settings, and relationships with others. From this perspective, validity or truth cannot be grounded in a fully objective reality. What is taken to be valid or true is, to an extent, negotiated and there can be multiple, valid claims to knowledge – although still observable patterns of behaviour. A series of semi – structured interviews were conducted with students on the Master of Laws and Legal Practice Course (the combined LL.B and LPC (the professional stage of training for solicitors) Middlebridge Law School lecturers and alumni who were also interviewed. Data was also collected through a series of focus groups involving a cross-section of the same students. Forty-five semi – structured interviews were conducted, of which thirty were current students, six members of faculty were interviewed and five alumni. Groups or strata were my starting point (Menter et al: 2011). If for example year group one has a hundred students, year group two has ninety students, year group three has eighty students and year four has seventy students I may decide to take ten per cent from each

group. Therefore, I would end up with ten from year one, nine from year two, eight from year three and seven from year four. This would be done randomly whilst ensuring that my sample had the same proportion from each year group thus rendering the sample representative of the full population. Such an approach would allow me to see how experiences and expectations changed over time, the issues that arose and how participants responded.

The purpose of the interviews and focus groups would be to elicit thoughts, feelings, views, expectations, perceptions and experiences of working-class students who are receiving, or have received, a legal education as well as those faculty members who play a role in its provision. Kvale and Brinkman (2009) believe that semi – structured interviews are fundamental in understanding people's interpretation of the world they live in. Semi – structured interviews allowed me to be flexible and open to variation. They enabled me to explain meanings to participants and thus enhance the richness of the data collection process (Patton: 2002). With focus groups, conversations were built to enable the expansion of answers and thus increase the value of the data presented.

Focus groups are particularly useful for a researcher asking 'why' questions and where there is a deal of exploratory work. They enable participants to express themselves in their own words and reveal their thoughts and feelings towards a particular topic. Crucially the focus groups allowed me to expand upon the semi – structured interviews and any emerging themes thus enabling me to better understand why the research participants held the views they did. In the focus groups the participants would make remarks that promoted a response from others and thus provided more data for analysis. Research suggests when participating in groups, respondents often feel more relaxed and, in turn, provide more detailed responses, (Mariampolski, 1989; Basch, 1987; McDonald and Topper, 1989). Hoppe et al (1995: 102-3) aver, 'one participants' responses may provoke responses from others in the group, resulting in a synergistic effect not achieved in the usual interview situation'.

### **The Sampling Process**

The sample needed to include a majority group who were current students and two smaller groups, one, alumni of the Law School, and the other, current lecturers of the Law School. The sample whilst not intending to be representative, included males and females and students from ethnic minorities. Thus, the sampling was purposive, a selective form of sampling that is useful when the population is relatively small, and which allowed me to decide upon those most appropriate to meet the research aims. The main goal of purposive sampling is to focus on particular characteristics of a population that are of interest, which will best enable the research questions to be answered. For example, purposive sampling allowed for students to be selected for interview who had similar characteristics. This subjective component of purposive sampling is only a significant disadvantage when such judgements are ill-considered; that is, where judgements have not been based on clear criteria, whether a theoretical framework, expert elicitation, or some other accepted criteria.

Potential participants for the majority group were identified by attending a whole cohort lecture for each of the four-year groups on the MLP. I spoke briefly at the beginning of the lecture outlining my research and how they could contribute to the study. A piece of paper was then circulated for willing participants to add their details (see appendices 1 – 4). Once I had a list of potential participants for each year group, I contacted those whose details I had in order to arrange an interview. I decided to interview the first five to reply from each year group as I anticipated it being easier to arrange and carry out interviews with such willing participants. Before being interviewed participants were provided with an interview brief (see appendices 7 – 9) containing an interview consent form and pre-emptive questions that would guide the semi-structured interviews. At the time of interviewing, first year students only had a few months of experience, whilst other participants had experience comparative to their years of study. Once the sample was completed I had twenty-five students to interview: five students from year groups one and two, five from year three, and five from year four. I also had 6 members of the Middlebridge faculty to interview. Sometimes circumstances intervened

and the interview took place at a later time or date or, in some cases, not at all. It was difficult to establish why some students had agreed to take part in the research but did not reply to an interview invitation. Perhaps participants found it difficult to say that they would rather not take part.

All the lecturers at the Law School were contacted initially by email, the project was explained to them and they decided whether they would take part. Once I had five lecturers willing to participate, an interview brief was provided, a time and location was agreed and contact details were exchanged.

Surprisingly, the Law School did not have alumni destinations or records so it was difficult to assess how successful its graduates were. Potential participants were found by using the internet and viewing the profiles of solicitors working in Middlebridge and surrounding towns who had previously studied law at Middlebridge University. Much like the lecturers, after initial contact by email, once five willing participants were found an interview was arranged and interview brief provided.

Students and lecturers were interviewed at Middlebridge University. Alumni interviews took place in hotel foyers in three nearby cities. I felt they were more comfortable with such a setting than their place of work. The only one of the alumni practicing as a solicitor offered to be interviewed at her place of work. The duration of the interviews varied from thirty minutes to fifty minutes.

Two focus groups were also conducted. The first group was a cross section of the students interviewed. Again, participants were contacted by email and the first willing five participants selected. The second focus group was the alumni, interviewed together owing to their collective experience of legal education at Middlebridge University.

## Tables of Participants

### Year One

<b>Name</b>	<b>Age</b>	<b>Gender</b>	<b>Course</b>	<b>Year</b>	<b>Notes</b>
Kelly	21	F	LLB/MLP	1	Worked for 2 years after college, family had negative run ins with law, drugs, young mum, wanted to do law since age 7, wants to help people using law. Needed to stay local.
Mohammed	18	M	LLB/MLP	1	British Asian, expectation he would go to uni from family but stay local, wants to be a barrister. No interest in snobby uni.
Sophia	26	F	LLB/MLP	1	MC-parents MC background been to uni, Edinburgh, dropped out, now starting again. Good levels of capital, knows implications of a Middlebridge education on her CV
Tasiah	18	F	LLB/MLP	1	Failed A-levels-dropped out, did BTEC, applied to other post-1992 unis, not sure re practice- thinking commercial law in Dubai?!
Sebastien	30	M	LLB/MLP	1	Did access course, numerous previous low paid jobs, children, determined, thought other unis were "stuck up". Had to stay local (costs/logistics)

## Year Two

<b>Name</b>	<b>Age</b>	<b>Gender</b>	<b>Course</b>	<b>Year</b>	<b>Notes</b>
Henry	20	M	LLB/MLP	2	MC – parents degree educated. Good levels of capital. Happy with his legal ed. Knows the job market will be competitive. Likes open door-feels he needs it.
Amanda	19	F	LLB/MLP	2	Interested in law via media-TV/films. Unaware of class issues in law. Loves Middlebridge, wants to be a solicitor. Wouldn't have felt she fitted in at elite uni.
Sabrina	20	F	LLB/MLP	2	First generation to go to uni. Medicine was 1 <sup>st</sup> choice. Wanted to stay local, save money and live with family. Status of degree/career important
Ben	19	M	LLB/MLP	2	Expects to get a training contract when he finishes. Thinks the open-door policy works well. No desire to go to more elite uni, would choose Middlebridge again. Local lad.
Veronica	24	F	LLB/MLP	2	Impressed at open day with law school staff and buildings. Enjoyed law having seen it on tv! Expects uni to help her get a pupillage. Confident she will get one.

### Year Three

<b>Name</b>	<b>Age</b>	<b>Gender</b>	<b>Course</b>	<b>Year</b>	<b>Notes</b>
Aisha	20	F	LLB/MLP	3	British Asian. Wants to be a solicitor but wouldn't mind being a paralegal. Already looking into post graduate medicine. Happy with legal education.
Jodie	20	F	LLB/MLP	3	Thinks the uni should be doing more to help them get a training a tc. Done some work experience locally. Loved law ball!
Rebecca	22	F	LLB/MLP	3	Unmotivated. Thinks the uni should've warned them about the job market. Disappointed with training contract rejections. Considering alternative careers. Struggled with law 'jargon' originally, early (negative) involvement with law.
James	20	M	LLB/MLP	3	Decision to study law based upon A-level experience, wants to be a criminal solicitor.
Mariam	21	F	LLB/MLP	3	Likes the town of Middlebridge. Mum and dad thought law would provide her a solid, well paid career. Concerned about having to market herself to firms.

#### Year Four

<b>Name</b>	<b>Age</b>	<b>Gender</b>	<b>Course</b>	<b>Year</b>	<b>Notes</b>
Mark	21	M	LLB/MLP	4	Happy to paralegal, enjoyed her education, never interested in elite universities. Thinks certain firms will discriminate based on class.
Kyle	22	M	LLB/MLP	4	Felt more realistic career advice should've been given to him.
Lyndsey	21	F	LLB/MLP	4	Happy with legal education, accepts she needs connections to help her, harder than she expected. Negative work experience re her 'accent'.
Holly	21	F	LLB/MLP	4	Thinks choice of uni and implications should be highlighted at UCAS stage. Accepts its significance now.
Hemmant	21	M	LLB/MLP	4	Parents stressed important of education. Wanted to do medicine first. No training contract yet but will keep trying. British Asian. Accepts a better uni would've helped him in getting a training contract

## Alumni

<b>Name</b>	<b>Age</b>	<b>Gender</b>	<b>Course</b>	<b>Year</b>	<b>Notes</b>
Charlotte	22	F	Alumni	N/A	Paralegal-father lorry driver-insisted law would be good for her, dismissed her initial choice of a fashion degree. Chose Middlebridge because it was “chilled out”. Aware of significance of Middlebridge law school on her CV. In year 1 she just thought “a law degree is a law degree”.
Kirsty	22	F	Alumni	N/A	Litigation executive, Middlebridge 1 <sup>st</sup> choice uni, didn’t want to move away. Expected to be 3 months into a training contract by now.
Jenna	22	F	Alumni	N/A	Paralegal-felt she has been taught well but thinks she should’ve been given realistic career advice and much earlier in her legal education. Had no idea of university hierarchy when she started university or when making university choice.
Jenny	29	F	Alumni	N/A	Practicing solicitor, Family law – high street firm. Believes there is class bias in certain aspects of the legal profession but not on the high street where she works. Never had the ambition to work in a large firm, didn’t think she would fit.
Shazia	22	F	Alumni	N/A	Admin asst. British Asian. Parents pleased she chose law. Not where she hoped or expected to be. Education expectations were met but thinks faculty members should’ve done more to help them.

## Faculty

<b>Name</b>	<b>Age</b>	<b>Gender</b>	<b>Course</b>	<b>Year</b>	<b>Notes</b>
Melanie	54	F	Faculty	n/a	Former solicitor – thinks students have unrealistic expectations, don't choose law for the right reasons. Believes there is a "trickle down effect" of the realisms of the legal labour market. Thinks law has opened up more to those from a w-c background at the "bottom end".
Emma	40	F	Faculty	n/a	Former solicitor, strong views on class, doing a PhD at Cambridge. Thinks students have unrealistic expectations but the faculty provide solid transferable skills and students leave for more competent than when they arrived.
Phil	42	M	Faculty	n/a	Runs law clinic. Thinks students underestimate a legal education but let down by FE/Schools that provide too much hand holding. Believes m-c students better prepared.
Geoff	58	M	Faculty	n/a	Never practiced, experience in FE, former journalist, believes the law school offer a good 'product' and students leave with important employment skills.
Chris	50	M	Faculty	n/a	Former employment solicitor. Knows most students at Middlebridge are locally based.
Susan	58	F	Faculty	n/a	Acting head of law, former solicitor, thinks students and their parents naively believe law is financially very rewarding and much like whats on tv. Students and parents not in touch with the realities of legal practice.

### **Ethics, the Researcher – Participant Relationship and the Interview Experience**

Before each interview, participants were given an interview brief. The interview questions contained in the brief were slightly adapted and amended depending on year of study, or whether participants were alumni or lecturers. I explained that those involved in the study would be entitled to view any aspect of the text that refers to them and would have the right to withdraw or sensor material. Written informed consent was obtained from all participants. They were privy to the purpose of the research, given opportunity to ask questions, and sent copies of transcribed data. Anonymity was assured for all participants with names changed and locations altered.

At the interview stage research participants are arguably in a dominant position as they possess information which can help answer the research questions. My experience as a lecturer and of working with students is that the lecturer has to play a supportive role in facilitating the young adult sharing their experiences. They often haven't had the time to think about their experiences or expectations hence the provision of an interview brief prior to being interviewed. All acknowledged that they had received and viewed the interview brief and had read the questions that would guide the interview, although this may have not been the case.

It is important that the researcher builds a relationship with the participant so they are better placed to understand the purpose of the research and why they are involved. This can be done by altering the flow of questions, the type of questions asked, and making appropriate use of verbal and non-verbal communication. The degree of structure varied from interview to interview. Sikes suggests that, 'On one level, perhaps, researchers have to accept that people tell the story that they, for whatever reason, want to tell the person who is listening'. (Sikes & Goodson, 2001, p. 28). Lawler gives a specific example of her intervention in an interview during a 'long pause' (Lawler, 2002, p. 247) and acknowledges that such a simple intervention, does 'move the narrative along' and that narratives 'are co-produced between the researcher and the research participant' (ibid p.254). There are many examples of how my responses may have done this. Students in particular would talk about their

'dream' of working in law in a way that was almost, I felt, trying to impress me. I would provide a comparative statistic of the success rates in gaining a training contract with law firms between students from a new university and students from an elite university. The research participants then often retracted their previous career aspirations and provided an alternative narrative about what they hoped they could be or would want to be. If I had not disclosed this statistic would I have been able to drill down into the detail of law student aspirations? Perhaps they adjusted downwards because they thought it was what I wanted or expected.

The researcher is not simply a passive listener and may need to exercise their skills, training and experience of interviewing to draw out the participant's story. In the context of case-study research, interviewing receives little attention. I used an aide memoire (see appendix 5 and 6), which, as mentioned, included the aims of the research, consent form and questions that would guide the interviews. The themes behind the questions came from my experiences as a law student, my involvement with the legal labour market and my experiences as a lecturer. Some of the questions were quite specific but others were more open and either directly or indirectly responding to participant's responses. Issues that had emerged in admissions to legal education, the legal labour market, university life, previous interviews, or themes that arose from a specific group were included. For example, one emerging theme from the interviews with the lecturers was that they felt the majority of their students were naïve in their approach to a legal education and the realities of the legal labour market. This was put to the (student) research participants for their responses. Often participants responded to some of my questions with their own ideas, some raised other issues and I allowed the interviews to flow on this basis. Sometimes new ideas or questions occurred to me as a result of the responses given by participants and these were probed further.

In order to conduct ethical interviewing one needs to respond empathetically and appropriately to topics under discussion. I was conscious that I was exploring participants' social backgrounds and career aspirations, including the potentially negative connotations of the legal labour market, were

often brought into focus. Some participants actually pursued a legal education having had negative direct or indirect experiences of law enforcement. I was intrigued by this 'pro-law' feeling from those who had had brushes with the authorities but I was careful about exploring such themes and withdrew from the topic when it became clear the participant wanted to move on. Atkinson (1998) refers to the need to respect boundaries and that research participants will indicate if certain issues are off limits.

I was asking participants about their upbringing, their career aspirations, and exploring future trajectories. In the case of alumni, where only one individual had actually achieved their ambition of becoming a solicitor, the recognition that they haven't, or possibly never will, achieve their ambitions. As the interviewer, I had to recognise signs that a line of enquiry was on the boundaries of what the research participant was comfortable with, and support them in reflecting on the interview, its purpose and their role within the research. A number of feminist researchers (Skeggs, 1997b, Renzetti & Lee, 1993) and psychoanalytic researchers (West, 1996, Walkerdine, et al., 2001) draw attention to such matters and also to the existence of boundaries. West acknowledges particular challenges:

I frequently felt lost and uncertain in particular interviews: about how far to allow a conversation to proceed, about where to stop, despite a clear code of ethics ... on occasions conversations and their effects were unpredictable and the boundaries unclear. (West, 1996, p. 214)

Some participants were aware of the impact of being from a particular socio-economic group and its influence on their career trajectories. Some students were conscious of this having been involved in access initiatives for those from disadvantaged backgrounds. Notwithstanding, understandings of disadvantage, inequality, social structures and their own situations varied. Not only did it vary, these characteristics were not always linked. For example, some participants were aware that those at more elite universities were nearer the front of the queue in the legal labour market but did not necessarily associate this with social standing, habitus, and/or position of cultural or social capital.

Ethical issues lead me to consider the extent to which case study research can be used to facilitate an improved understanding of structural issues on the part of, in this case, young people from working-class backgrounds. Essentially, it is about attempting to discover a balance between assisting young adults who may be internalising structural inequality in a way that could affect how they see themselves or their educational and career opportunities, and not imposing my world view on individuals who are still creating the stories that shape their sense of self. Reflexivity about such issues can vary from participant to participant.

Generally, participants did discuss disadvantage in structural terms and could see its impact on their experiences. However, a minority appeared to internalise aspects of inequality. Many spoke about choosing a high-street firm to apply to for a training contract rather than a big commercial firm because of a desire to be with people “like me” (the research participant). Or, in Bourdieusian terms, to be with those from a similar habitus, possessing similar forms of cultural, social and academic capital. One participant spoke about how she did not want to apply for jobs with prestigious firms because of how she spoke, a lack of linguistic capital. I asked what she meant by this and she replied that she spoke quickly and with a common accent, and that people outside the area would not be able to understand her and might look down on her. I stated that, whilst I didn’t necessarily subscribe to such a view, there are some within the legal profession that would. There are reasons why capital, including linguistic capital, cannot be accumulated and used as currency but it is not impossible to overcome them. Should I have ignored it? Was I right to acknowledge what she said? I wanted to encourage the research participant but equally respect them enough to recognise the validity of what they were saying.

I was aware that there might also be a need to provide advice to participants in some interviews, as outlined in Ball, Maguire and Macrae's study on post-16 transitions (Ball et al 2000, p.2). Alheit and Dausien (2002) believe that a range of learning can occur during interviews varying from individual to individual. The students were aware that I was law graduate, barrister and lecturer and some asked

my advice, usually after the interview finished. I did not mind providing this, if anything I felt obliged to do so given that the interviews had drawn career aspirations into focus. I believe that a skilled interviewer who shows that he is genuinely hearing the story and provides relevant information about different options can also support that learning, and may be of benefit to the individual. In many interviews, I spent time explaining various aspects of legal education and the legal labour market, and we discussed how participants could progress from what they were doing or had done at law school. At the end of each interview, I addressed any questions relating to their future education or career that I felt to be fitting. I also discussed what it was like doing the interview with each person. Some said that it was what they had expected; others stated that they had been a little nervous and had not really known what to expect. I formed an impression that whilst some felt a wave of realism about their prospects they also appreciated an opportunity to focus on their futures. One emerging pattern was that the further into their legal education the participants were, the greater their self-imposed appreciation and understanding of their chances in the legal labour market. Despite the reality of their situation being brought into focus, overall much of what was said did not surprise participants. Typical responses were that it was 'fine', 'good to talk with someone who was being honest with them', 'enjoyed chatting to you', 'good luck with the rest of the research'. I spoke about how their participation was greatly appreciated and how thought-provoking it was to hear about their experiences.

## **Findings**

### **Introduction**

This thesis began with an introduction to the current system of legal services, education, training and the problem of access, diversity and so on. I provided the context for this with a background chapter on the town of Middlebridge, its university and its law school. Using a Bourdieusian lens, I considered the notions of capital, social class, the legal profession and the provision of a legal education.

The primary research aims of this study are:

1. To critically examine the expectations, experiences and habitus of aspirant working-class law students at a new university and;
2. To establish and explore the influence of capital on working-class law students.

There are four questions guiding the study:

1. Why have working-class students chosen to study law? Why did they choose a 'new' university and specifically Middlebridge?
2. What are the experiences and expectations of working-class law students studying at Middlebridge?
3. What are the working-class law students' expectations for their future careers?
4. To what extent are working-class law students at Middlebridge prepared for success in the legal profession?

The main aims of the research are considered in detail before an exploration of the guiding questions. With the data having been analysed thematically, transcripts of each individual interview and focus group illustrated potential findings, themes and trends. There was a specific emphasis on highlighting the habitus and background of research participants and the role that the various forms of capital had on their experiences, expectations and trajectories within their legal education and the legal field.

Whilst experiences are offered throughout, there are contrasting examples that illustrate the approach taken and the role of the valued capitals in action within the legal field. The majority of those interviewed were current students at Middlebridge law school. Data from these interviews and focus groups are presented with specific consideration given to the identification of themes and trends. What follows is data from the alumni with a similar approach to recognising themes but with a reflective approach on the fullness of their legal education and their current position within the legal profession. The perceptions of faculty members are used throughout to place the data of students and alumni into context. Key opinions and responses of faculty members are also considered.

### **Expectations, Experiences and Habitus**

According to Booth, (1997), the expectations of a student are used as filters through which they view and assess their experience of higher education. This perception can be linked to Bourdieu's notion of habitus. In a place where experiences are formed and being formed, what Bourdieu describes as 'the site of the internalisation of externality and the externalisation of the internality' (1990, p. 205), Bourdieu sees the way in which students understand their higher education studies in an arranged order. He states:

... the habitus acquired at school conditions the level of reception and degree of assimilation of ... any intellectual or semi-intellectual message.

(Bourdieu, 1990, pp. 43-44)

Analysis of the interview and focus group data showed a natural tendency to evaluate early experiences and expectations of higher education and the study of law in light of their most recent educational experience, be it A-levels, A-level law, BTEC or an Access course. Third year student Aisha said:

Was it like college? Well, I thought it would be, but well, after freshers it hit me, the amount of work. I was like what the hell? Suddenly I'm being told my prep should

take, like, 4 hours or something for like one tutorial! No way did I see that coming  
(laughs).

(Interview, 9/12/2013)

Students began their legal education with an intense new curriculum. They described learning a subject heavy in detail and were surprised by the amount of information they were expected to take in. Nevertheless, they expressed positivity and motivation when they began their legal education and believed they would experience a supportive network that encouraged collaborative relationships with their peers. The data suggests that, in terms of the early student experience (years one and two), the overall feeling was of satisfaction. The transition was not easy for working-class students who generally appeared ill-equipped for the rigours of higher education. Research suggests working-class students are considerably more likely to 'drop-out' than their middle-class counterparts (Quinn, et al., 2005). This is a common theory about working-class people and a reason for working-class people being constantly positioned as intrinsically "flawed" and "lacking" (Quinn, et al., 2005, p. 13). Those interviewed averred that they had had a largely positive experience of Middlebridge. They were content with the standard of teaching, the pastoral support offered and a positive, and collegial atmosphere throughout. Of course, this may have been different had they been the in the minority of working-class law students at an elite university.

Students averred that it took a long time to acclimatise to the demands of higher education. As the data was analysed it appeared that not only were working-class students ill-prepared for the barriers awaiting them in the legal labour market, they were also ill-equipped for certain aspects of their legal education. The significant majority of those interviewed were of the opinion that the volume of work was underestimated. The easier part was "fitting in".

Kelly: I remember thinking this isn't so bad, I mean, first week of talking to people  
and getting to know people it was fine. I was still getting the same bus going into

town and having lunch at subway etc. things weren't really different at all. It helped, but geez when the work came in I thought uh oh, the reading was, I dunno so much and half of it I didn't understand.

Mohammed: Yeah, yeah true, I'd done law at college although I don't think it helped me actually. Nah fitting in was ok, like you said, two of my mates from school choose to do law here too so I just chilled with them, felt like I was still in college half the time. But work wise? Wow, so much, don't think I ever spent the right amount of time, well as much time as I was meant to, doing the prep.

(Focus group, 31/1/2014)

At this point, we could consider if a particular form of habitus is instilled in students at post-16 level. If so, to what extent can students when transferring to higher education manage this habitus? Some key themes can be taken from the interview and focus groups in this regard. One is students' ability to engage with the self-directed reading of primary and secondary legal texts. The number of texts covered at A-level and BTEC is typically small and teaching is close-knit with students often working in tandem. The learning environment of higher education, particularly law, tends to emphasise more autonomous learning. Insufficient stocks of capital meant the majority of working-class participants in this study had neither anticipated nor prepared for such a different approach. Henry, however, who gave a minority and dissenting view, talked of a "smooth transition" into higher education:

I expected it to be, the first year, to be like college if I'm honest. I thought the first year would be relatively, easy, essentially, you know, I hesitate to say easy but you know, quite simplistic. The transition from A-levels to uni was, yeah, a smooth transition. I mean, some of the stuff that we, well some of the documents that we covered, wasn't too dissimilar to what we did at A Level law, or indeed A Level politics, so I think the transition was quite smooth in that sense.

(Interview, 9/12/2013)

Whilst Henry did not attend a private school his habitus and stock of capital was otherwise rather middle class. Unlike the rest of the self-certifying 'working-class' research participants, Henry possessed much greater levels of cultural, social, economic and educational capital. This gave him a much better idea of what he could expect from university and the beginning of his legal education. He was better prepared. Speaking eloquently and with a high degree of linguistic capital, Henry suggested he felt ready to start university. He discussed with his mother and father who, were degree educated, (studying at the universities of Manchester and Newcastle respectively) and said:

I do think ultimately, I was ready, you know, for me to go to university, my parents had been and so had most of their friends. They provided everything for me in the sense that they went to university, got relatively well-paid jobs, provided for me in a sense of what was to come.

(Interview, 10/12/2013)

Ultimately, there is a gulf in the expectations and requirements of primary and secondary legal reading at university between the staff and students. The great majority of students who took part in this study did not begin their legal education ready to meet the demands of the in-depth solo reading of case law, statutes, journals and law reports. A view not only possessed by the students, but the faculty as well. Emma and then Phil commented:

No, I don't think they realise the amount of time that's going to be involved, maybe independent study that they're going to have to do. I don't think they realise maybe the depth and level that they need to be studying. I think a lot of them struggle and find it more challenging than they think they think it's going to be. My view is that the system of education they've had at secondary level that has caused it and that's do to with the GCSE and the A level system as it is, the fact that they are spoon fed.

(Interview, Emma, 11/12/2013)

Well for me I just think it's the rubbish education system where students hold hands with their tutors and the way that they undertake coursework again and again and again, and have quite a lot of input from teachers. Whereas when they get to degree level, this idea of being an autonomous individual, independent study and independent thought is completely alien to them. And maybe the middle-class students can work better with it because of the interaction they've had with their parents and they see that. I think it all blends in, they all expect it to be easier than it is, they don't expect to have to go into the depth that they do and to have the independent study that they do and again that might not necessarily have anything to do with their ability it's just not what they've been used to, and being cocooned I think.

(Interview, Phil, 11/12/2013)

All but two of the students who took part in the interviews professed to coming from working-class backgrounds evidence. For the working class the route to university was via state education and gradations were apparent. Those students who had studied BTECs struggled more than the A-level students to understand primary and secondary legal resources and interpret their content, not due to a lack of cognitive ability but rather a lack of possessing a broader range of capital (as evidenced above). According to the data, whilst more than half were still not able to meet the expectations of staff, A-level students felt better placed than those who had studied BTECs or Access courses at directing secondary reading, stating the law and applying it.

Despite complaints that students were not prepared for the rigours of self-directed study, staff were seemingly proud of the 'open door' policy they had with students. This was sold convincingly to

students at open days and was a contributing factor to their decision to study at Middlebridge. All the students felt there was an open-door policy, Martin said:

Most lecturers who really took a hands-on approach with students and it was basically an open-door policy, if you've got any questions you can come and ask. It wasn't a case of if you write your coursework essay, email me a draft and I'll give your comments, it wasn't like that because they won't give you the answers but some of them did have a very open-door policy where if you could show that you were making the effort and doing the work, if you were struggling then they would happily help you. But obviously they wouldn't if they could prove that you were just a bit of a doss about so.

(Interview, 4/12/2013)

Most students choose Middlebridge because they felt tutors would support them. Students were asked whether they had been supported and if in this regard, their expectations had been met. Charlotte's comments below are representative of most students' views:

Yeah, I really enjoyed the open-door policy. All the tutors have got a lot of experience so you did trust in them that they knew what they were talking about and I felt like it wasn't too structured, Like, if you asked a random question sort of 'what if this happened' they would answer it, they wouldn't say 'well that's not what we're learning' so you got quite a broad knowledge of everything.

(Interview, 9/12/2013)

Arguably though, an 'open-door' policy only serves to exacerbate the very problem that the students arrive with and the lecturers bemoan. It appeared that whilst most faculty members highlighted the problem of the perceived handholding that goes on in secondary and further education, they were, as discussed later, playing a pivotal role in reproducing the same culture. The alternative would be for

the faculty at open days to use their experience of legal education and awareness of the legal profession to present a realistic insight in to what lies ahead. However, this may well contradict the 'positive' message necessary to entice prospective students and thus reduce the working-class student's sense of feeling they will 'fit in'.

These matters invariably lead students to a set of preconceived notions of what lies ahead, what their experiences will be and the very nature of legal education. What is also important to consider is the level to which students understand what studying law at university encompasses and the extent to which they feel self-assured in approaching this. However, it should not come as a surprise to see such changes as unforeseen on the part of the students. On the contrary, those interviewed stated that they understood (but could not define) how the study of law at Middlebridge would be more difficult and different to what they had done previously.

Frustration at their position within the field was common for those interviewed who were in the latter stages of their legal education or who had recently graduated. Conversely, there was unified satisfaction with the actual 'education' they had received at Middlebridge. This was prevalent amongst those who were interviewed early in their legal education as much as it was those who were close to completion or were alumni. Kirsty, an alumni of the faculty, said:

Kirsty: Yeah, education wise and close contact I think they did yeah, because we know, we know a lot about the law as a subject. But career wise as in advice I don't think they prepared us very well at all. This isn't where I thought I would be after all these years at uni

Daniel: What more could they have done, and I know what you mean about careers advice but-

Kirsty: Maybe be a bit more realistic in telling everybody to apply for training contracts and apply for other jobs as well. Maybe give us a bit more guidance and

help us in maybe saying how to answer the questions on the application form because they all want stuff about experience and things ... I'm not very good at wording things like that so I wouldn't know how to put that on to paper.'

(Interview, 10/12/2013)

Brant (2014) accepts both the classed nature of higher education, a middle-class world and the middle-class professional backgrounds of many of educational policy makers. This appears to be largely accepted by government. However, the purpose of higher education is disputed as well as the contentious relationship between higher education and social mobility. What, then, is the point of a university-level education? During the Thatcher years the focus for some was not on a liberal education, it was more about getting an education for the purpose of a job; vocational qualifications were important, and this is increasingly true for more and more students today. According to Reay (2012), a type of means-end instrumental rationality tends to be underlining educational policy documents, where higher education is seen as a method for fulfilling 'potential' or of achieving 'success' in the professional jobs market (Brant , 2014). A point alluded to by the Bridge Group, an 'independent policy association' launched in 2010 by Alan Milburn, Chair of the Social Mobility and Child Poverty Commission, which aimed to 'promote social mobility through higher education' and which assists government with policy guidance. Their report '*Bridging the Gaps*' (2011) understands higher education as a way of 'improving life chances and harnessing abilities and strengths for societal progress' (2011: 6). It suggests:

One of the most common ways of realizing social mobility at an individual level is through the capable people from disadvantaged backgrounds gaining access to high-status occupations. The vast majority of professional roles required advanced learning and university degrees and, therefore, universities play a critical role in opening doors to leading careers and in promoting social mobility.

(2011: 6)

Archer & Leathwood (2003: 176) summarise the implications of this:

Dominant government discourses have framed working-class participation in higher education as a way of achieving 'change'; that is, for working-class participants to change themselves and the national and/or local population by becoming more educated, skilled, affluent and socially mobile, 'civilized' and (implicitly) middle class.

Significantly, this is aligned with the students who 'sing-up' to a legal-education in order to become a lawyer and in tandem with how the lecturers at Middlebridge perceive it. Lecturer Geoff, said:

I think in a new university, what we're looking to equip students with, is that they leave with a set of skills. I think it's very important that what we're developing here is a set of skills, whether that be social, you know, the fact that they can draft letters, business skills, so that when they get into the world they've got a portfolio of, they've got ability that they can work within an organisation. I think that differs quite a lot with what would go on at some other universities ... like Oxbridge where their focus would just be on purely academic. Students are equipped with a set of skills because if we don't give them that here, where else are they going to pick them up except maybe on the job? So, I think it's important for our type of students, remember the type of employment that they go off to because not all of them will go into legal profession, we're quite aware that the job market is not so great and the important thing is that they leave the university with a portfolio of skills that will actually be of use to them somewhere else and that's how I see it, as important.

(Interview, 14/12/2013)

Is this highlighted to students on open days or in the programme literature as a means or 'watering down' and adding realism to expectations? It would appear not and whilst this research does not 'point the finger' at those involved in the delivery of law at Middlebridge or even the students themselves, "people and institutions nevertheless can and should be held responsible for unconscious or unintended behaviour, actions, or attitudes that contribute to oppression" (Young, 1990, p. 55). Lawler (2000) suggests the answer to the "problem" of working-class people has been found not least in redressing inequality of confronting discrimination but in 'making them more like their middle-class counterparts'. Similarly, Reay (2012: 594) contends that 'education policy ... focuses remorselessly on social mobility and raising working-class ambitions in the narrow sense of becoming middle-class'. When higher education is considered in this manner it is understandable that it is then perceived as a 'tool' for facilitating the various 'forms of mobility'. It is subsequently suggested that it is wrong to believe the answer lies in making the working class more middle class. This research suggests quite the opposite with the vast majority self-defining as working-class and suggesting this would not alter if they became a lawyer. Jenna and then Kyle said:

In my opinion, I would always be working class because of my background and my parents and my surrounding family.

(Interview, Jenna, 15/12/2013)

Dunno, well, I can't change who I am or who my family and background are can I?  
Not sure I'd want to, I'd be working class, although, you know, I guess others might think I wouldn't be if I was a lawyer.

(Interview, Kyle, 15/12/2013)

This research suggests 'being reminded of your class' was also common, particularly as students embarked on work experience and were rejected for training contracts. Situations arose which left

them feeling patronised, stereotyped and inferior. During one of the focus groups, examples from Lyndsey and then Mohammed were particularly notable:

I laugh about it now but I was mortified at the time. I did get a placement with my friend's father, one summer, and I was at Sheffield court, and I do remember a barrister once saying to me that 'oh the Barnsley accent is so offensive to the intelligent listener' and I remember thinking 'oh my god is this guy for real'.

(Focus Group, Lyndsey, 31/1/2104)

You know what I remember ringing a solicitors firm once right, and when I spoke to the receptionist lady who answered she was like where are you from? I said I was in my final year at Middlebridge and she said ah well I can put you through but I'm pretty sure the reason you've been unsuccessful is we generally offer our placements to those from redbrick universities first. I was like seriously don't even bother putting me through then.

(Focus group, Mohammed, 31/1/2014)

Young (1990, pp. 133-134) suggests that 'members of oppressed groups' are frequently subjected to negative reactions, which ultimately have the result of 'throwing them back into their group identity'. Such identification depends upon being identified as subordinate and sees working-class participants as of lesser quality despite participating in higher education, and supposedly increasing in value owing to the endowment of the various 'forms of capital' (Bourdieu, 1986). Class disidentification is well documented and is not a new concept. Some of the barriers presented by the legal profession demonstrate a desire by the middle class to protect a middle-class profession. Conversely, for the working class, the research is equally plentiful and suggests distinct class defensiveness (Payne & Grew, 2005; Savage, et al., 2001; Sayer, 2005; Skeggs, 1997) and further arguing that a most common response to the dominant middle-class status-quo of the university environment is for working-class

students to attempt to 'pass' as middle class (Granfield, 1991). This research rejects this theory where the working-class students are a majority of the university population. The only research participants that could be attached to such a theory were the two middle-class students who found themselves at Middlebridge. Sofia, for example, possessed sufficient stocks of capital to know how to play the game:

Put it this way, when I go for my job interview, I won't be talking with a Yorkshire accent.

(Interview 10/12/2013)

### **The Decision – University Choice**

Students described choosing law at Middlebridge in two stages. The first of which was the decision to study law and the second was the decision to study at Middlebridge. According to Loveday (2015), education is imagined by 'pedagogues of process' (Ranciere, 2003, p. 223) as an emancipatory power, not just in terms of intellectualism but in its ability to bestow social capital on individuals the various forms of capital (Bourdieu, 1986). Accordingly, in governmental and educational discourses working-class participation in higher education is a push to 'become middle class' (Lehmann, 2009; Reay, 2012, 2013) through acquiring the various forms of capital. There is a danger of assuming that the university environment is not compatible with the lives, culture and experiences of the working-class (Archer, et al., 2007). However, Reay (2001: 858) notes the 'continuing and developing forms of stratification within higher education'. Therefore many working-class students progressing on to higher education head for the so-called new universities, as opposed to the more elite institutions. There is an array of literature that focusses on the academic success of working-class young people, (Granfield, 1991; Lehmann, 2009, 2013; Reay, et al., 2009); however, this is largely focussed on the upward trajectory of working-class students and how they manage their way through unaccustomed and principally middle-class surroundings. Alan Milburn, the Independent Reviewer on Social Mobility and Child Poverty, stated:

Social mobility is not just about moving people up the earnings ladder. It is also about ensuring social and educational capital is open to all

(Milburn, 2012)

There are two key assumptions that underpin such claims: the first is that higher education participation by the working-class is owing to a desire to secure upward social and indeed economic mobility, and that this will result in 'becoming middle class' (Lehmann, 2009; Reay, 2012, 2013). And as a result of social status, earnings and job type; and second, that such engagement with the field through the cultivation of the various forms of capital (Richardson, 1986) bestows value on all players of the game, ultimately the possibility for cultural mobility (Loveday, 2015). A point that is effectively endorsed by Peter Brant, the Head of Policy (Adults) at the Social Mobility and Child Poverty Commission:

It seems likely that worries about 'not fitting in' will be one of the reasons why highly able children from less well-off backgrounds are less likely to apply to the most selective universities. It probably contributes to a lack of confidence amongst those who are upwardly mobile as they struggle to adapt to their new social environment with detrimental impact on their ability to reach their potential. And the lack of effective networks and advice to help navigate this new alien 'middle class world' probably make it more difficult to translate high attainment into success in the professional jobs market.

(Brant, 2014)

When it came to university choice, it was clear from a significant majority that a new university was preferable to a more elite middle-class dominated university. For research participants, the significance of the decision to study at Middlebridge was not initially apparent. More important was

the feeling of fitting in, it was essential to most. Few considered a more elite university; those that did and went to an open day echoed the sentiments of Brant (2014). Amanda said:

I never ever thought it would be me that would go somewhere like that. I felt more comfortable at this university when I came to the open day, like I could be myself. Not that I have anything against anyone who's been to Oxford or Cambridge ... but I just associate like the people that go there with not how I am and I just think I'd have felt totally out of my depth if I'd gone somewhere like that.

(Interview, 15/12/2013)

The following data emphasises the problem of fitting in:

Daniel: So now you went to the University of Leeds, tell me a little bit about that experience.

Sabrina: I live in Thornhill Dewsbury, always have, I can go places that make me feel small because of where you come from, I can honestly say that is the worst place ever, for making someone feel like they don't deserve to go somewhere. From the moment of walking in, it was 'can I help you?'- 'Yes I'm coming to visit for the day for the law'- 'really?' The look up and down and then 'really?'- 'Yes'-'well it's just down there but don't touch the wall.

Daniel: Right

Sabrina: Not because it's wet, but because they didn't want it dirtying, and you can just see everyone standing there's just stood there like this, just away from the walls and they had someone patrolling up and down just telling you to stay away from the wall, it was like really? Not that I plan on dirtying walls or anything but if I just happen to walk past and my bag happened to catch, what would happen? And it was just

that awful feeling of being really uncomfortable so that was an instant dry cough for Leeds University completely.

Daniel: Just looking at that in a bit more detail then so you, when you were there, did you feel the people and the prospective students who wanted to go and study there, were like you?

Sabrina: I'd say about a quarter of them would've come from a similar background to me, the rest no.

Daniel: And how did you feel about that?

Sabrina: It bothered me ... you get your like posh little girls everywhere that you just want to strangle and it was like, you're looking down on me. The lecturer, the people that I spoke to, the lecturers and the students, the student advice and the advisors showing you around that are going to be like your head of year one and things, they're just, they made me feel like I didn't deserve to go there. I knew I would never fit in.

Daniel: Why?

Sabrina: It was just the general, they'd walk up to talk to you, and then the amount of times that one of them would walk up to talk to you and then just look at you, turn around and walk off and go talk to someone else, and it's just like what are you doing?

(Interview, 4/12/2013)

It is difficult to confirm whether there was a conscious effort to deter Sabrina from coming to the more elite university. Or on the other hand, perhaps her habitus had conditioned her to look for reasons to reject the opportunity to mix with those from the middle class.

How does one feel like when they fit in? Students spoke of attending the open day at Middlebridge and mixing with people who were like them, people who they felt comfortable with their surroundings, other potential students on the open day and the staff that they encountered and would be teaching them. Fitting in was ultimately a feeling of comfort. Veronica said:

I applied to all the local ones, you know, in the hope that I'd find something that I'd be really comfortable with, you know, in the process sort of thing. I say comfortable in the place that I'd more fit in, the place that I'd be, like, Middlebridge.

(Interview, 4/12/2013)

On choosing Middlebridge Jodie said:

It's like a comfort zone because it's close to home, well it's not close to home but it is, so it is like yeah, people are going to be similar, like if you go somewhere completely different and don't know anyone it's a bit daunting.

(Interview, 4/12/2013)

Faculty were aware how important location was to the students when deciding on their choice of university. Chris, a tutor, said:

I think a lot of the working-class students we get from the local area, you very rarely get, I mean it's hard for me to judge who's from a working-class background and who isn't, I find very much people from, it's hard to describe how, the vast majority of students who come from a working-class background where their family haven't been to university before, are coming to Middlebridge because its local and within the kind of local area. Out of all the other universities we've got, Beckett Met, Rudford, I'm trying to think of others, I mean going across the border into Renchester, we've got quite a good reputation out there so we do get some students

whose brothers or sisters have been through us, you know. So, they actually come to us which is good because I think its word of mouth. I think very much the primary reason is that it's local.

(Interview, 7/12/2013)

Staying local meant saving money, another commonly cited factor in the decision of which university to attend. Staying local meant many students could continue working their part-time jobs whilst at university and continue with any other commitment they may have had. Something their middle-class counterparts did not have to worry about, they were able to spend their time collecting and cultivating capital. Tasiah, a first-year student commented:

I have a child who's nearly two now, who I'm solely responsible for, and we live round the corner so it made sense to come here. I did consider other universities but I didn't want the cost of going away and obviously my other responsibilities over here that I'd like to pursue: I didn't have to move away so I didn't have any living away costs, it's close to home, it's new and has a good business school and stuff.

(Interview, 14/12/2013)

What becomes increasingly apparent when interviewing the faculty is their awareness of the reasons their students choose to attend Middlebridge. Gemma, a Senior Lecturer, said:

I think firstly finance plays a big part ... people stay very local now which is something that maybe didn't happen before and I think you've got all the finance issues in that. Families, particularly working-class people sort of think 'how am I going to pay for this?', this is the cheapest way so they'll go to their nearest institution, which is why, a lot of them, we draw from the local area. I also do wonder whether or not there is the fear factor of going somewhere else. You know, they see the university here as being able to provide them with the qualifications that they need to get into that

career and it doesn't seem too daunting. They're not overwhelmed or intimidated ... because of maybe how we are, how we present ourselves as an institution and they don't feel as if they will be intimidated by coming and studying law here to get to where they need to get to.

(Interview, 12/12/2013)

The reasons for studying at Middlebridge are based upon what was important to the working-class students at the moment of choice, such as location, financial implications, as well as family and social connections. However, noticeable from the data from students in their third or final year, who now possessed an understanding of the rules of the game for entry into the legal labour market, was a more informed approach to the support they received in their university choice. A lack of cultural and social capital meant the significance of university attended only became apparent as the students were in the latter stages of their legal education. Holly, a fourth-year student said:

I think it's really important, I don't think it's emphasised as much in A Levels, how important that decision is, you know, where you go and what you study, for law.

(Interview 3/12/2013)

A point which was also conceded by Hemmant:

I have to, well admit now that with the benefit of hindsight, attending a better university would have given me foot up when applying for my training contract. Too late now I guess, but what can I do?

(Interview 14/12/2013)

In order to stay within their comfort zone, students were looking for high levels of support to match that received in the family home and which would only be facilitated by attending a university like Middlebridge. Sociologists the world over have studied the family. With respect to education, much

research tends to centre on the family in a similar vein to that of Bourdieu (Ball, et al., 2000, Ball, 2003, Nash, 1997, Nash, 2000).

### **The Decision - Law**

This research shows that the influence and advice of parents was pivotal in participants' decision to go to university and to study law. Upward social mobility owing to a misapprehension of 'lawyering' and its portrayal in mainstream media were also noticeable trends in the decision to study law.

Sebastien, a first-year student, gave a typical response when asked why he chose law, he said:

I chose to study law because it was kind of pushed on me from like, my dad and my family members because he wanted me to go for a bit more of an academic kind of thing compared ... I'm the first one from my family to come to uni as well so he wanted someone in his family to go out and do something different, so that's one of the reasons. He also said it would pay me good money and I could have a good life. I think just from when I was younger I used to just watch a lot of TV programmes related to like courts and all that, and I really enjoyed it so that's one of the reasons as to why I chose it.

(Interview, 5/1/2014)

Nearly all participants felt their families supported their decision to study law at university. All but two considered themselves to be working class. When asked, their parents were all in working-class jobs that involved, for example, skilled or unskilled manufacturing, sanitation, construction, mechanical maintenance, warehousing, retail, office support, technical installation and similar types of work. Often, parents based their encouragement on achieving social mobility, the perception of a guaranteed route to legal practice, a high standard of living, and achieving more than what they had. Charlotte stated:

Well he is a HGV driver and I know from his background, he sort of decided not to go do a degree when he was younger and I think he's always felt like he could've made more of himself. So, as his only child, he has sort of always put a bit of pressure on me and getting good exam grades and to make a success of myself. So, I think I started off with the idea of doing a fashion degree and that kind of got shunned, and then as soon as I mentioned about doing law he was really excited about it, he was like 'yeah that's a brilliant idea you should go do it'. He saw it as more successful, a good career, set up really if you get into it well enough, and I think he probably sees it as a lot more sort of a stable career than something like fashion, because it got shunned away like 'no don't be stupid you're not going to do that.

(Interview, 9/12/2013)

It would appear that parents encouraged their children to go to university as they believed it would secure and enhance traditional working-class traits such as job security, financial stability. As Ben said:

They were pleased obviously because they thought as well, that law is going to be a well-paid job, it's security ... we thought that there's plenty of jobs out there in law. They were very pleased, all my family were very pleased, and I was the first person in our whole family who'd decided to go to university as well so, and to go to university and do law, to my family, that was very, a very proud moment for me.

(Interview, 11/12/2013)

The advice and encouragement from parents was naive to the barriers associated with qualification and success within the legal labour market, in particular the greater obstacles faced by those from a working-class background. Members of the faculty also acknowledged the unrealistic expectations of legal education and a legal career held by students and parents. Susan, the acting head of the law school at Middlebridge said:

I think there's a perception from students and even their parents that it's financially very rewarding and I think that's maybe through what they've seen on TV or just some kind of word of mouth out there that they think if they get into a legal career, it's going to be well paid, and actually I don't think they're out of kilt for what the modern situation is for many lawyers. Students are not aware that there's legal aid cuts, that many lawyers are struggling particularly in small firms. They still have this perception that it's financially rewarding and I suppose some students may see the glamour through some of the soap presentations about what they see as a legal career, the drama of it. But I don't think they really are in touch with the realities of what's going on.

(Interview, 6/1/2014)

Families rarely provided financial support apart from in an indirect form, for example through allowing their son or daughter to continue living in the family home. A large degree of emotional support was offered through taking an interest, encouragement, providing a base from which to work, pride in their son or daughter being the first in the family to go to university and enjoying the kudos this provided amongst friends and colleagues.

The parents of the two participants who identified to being from middle-class backgrounds equally offered emotional support. However, for those students there was an expectation that they would attend university, which was formed at an early age as they were gaining social and cultural capital. The parents of both students had been to university, two of which were Russell Group universities. Such a contrast of expectation of attending university, in comparison to the working-class students for whom higher education was hardly expected, if at all, illustrates a difference in one part of the habitus. Whilst these students shared similar ambitions and expectations of their legal education, their reasons for choosing law, and indeed Middlebridge University, are quite different. Higher-class students often view their journey to higher education as inevitable, encouraged as they obtain and

cultivate their social and cultural capital. Nash (1997) argues high levels of educational attainment are somewhat less expected of those from working-class backgrounds. The number of students interviewed in this study is insufficient to generalise but it does illustrate the notion that different socio-economic backgrounds have different types of expectations over their children.

It is possible that the decision to study law at Middlebridge was further influenced by the interest and support shown by their family during the last year of their post-16 education. This was not necessarily the case for all of those that were interviewed and, for the mature students, their enrolment at university represented something of a gamble. Whether changing careers, juggling a family life at home, or both. They made their decision in conjunction with their partners and presented themselves as very self-driven. External family support was considered a bonus rather than an influencing factor. Irrespective of the degree of family influence, all students averred that once they began university their families supported and encouraged their decision. Four students who came from very low socio-economic backgrounds spoke of growing up in areas with high crime rates and a persistent police presence that led to an 'anti-law and order' feeling amongst in their communities. Examples were even given of family members committing crime and disorder. Surprisingly, this appeared to spark a curiosity that grew into a desire to study law at university. Veronica commented:

I think it's always been something that I've been interested in but maybe from the opposite side. Because I grew up on a council estate, I see a lot of the other side of the law, you know like police around and criminals and things like that and I think as I've got older I think it's just interested me especially as I've had my own children as well, it's been something that I've become more and more interested in in my life. I think it was quite a negative exposure, it's the opposite of what I see now and what I want my children to perceive, do you know what I mean? And it was from a very young age so I think now, I think I want to counteract it.

(Interview, 14/12/2013)

Rebecca noted:

I think I decided when I was about 9-years-old that I was going to go into law. We had a lot of family troubles that ended up in the courts and police being around and stuff and it got me interested in being on that side of it, made me think about 'maybe I'd quite like to go to the professional side of it and help people like we got helped' sort of thing so it was mainly the personal experience with the law.

(Interview, 15/12/2013)

For these students, whilst their initial decision to study law and even go to university was treated with trepidation, once at university they felt that family and friends supported their decision. When students were making their decision, it is possible that they were not conscious of undue influences. Bourdieu (Bourdieu & Passeron, 1990) and Adams (Adams, et al., 2000) note such an early familiarisation regarding education that relates to the above, essentially that it begins at an early age and continues if parents and family are actively engaged with a child's development during their education. Research suggests that when making post-16 careers decisions, those from working-class backgrounds will rely on their school careers guidance, and it is those from the middle and upper classes that will seek advice from family (Boyd, et al., 2001). This is in contrast to those in this study where it was clear that parents and family influenced the working-class majority. The small minority of middle-class students were also influenced though, this was through their cultural and social capital expectations. It would appear that family could therefore play both an enabling and constraining role depending on class status and knowledge of the field.

Many cited the previous study of law at school or college as part of the reason for beginning a legal education. 12 of those interviewed had studied law at A-level and had enjoyed the subject and learning about the law. James and then Mohammed commented:

I did it at A-Level and I really enjoyed it so I decided to carry it on to degree level. Also, I think more from A-Level I decided that I did want to be a solicitor and that's why I was going to progress with it.

(Interview, 15/12/2013)

I had already done GCSE law when I was 15. I did it a year early, I did basically a two-year GCSE course in a year after school, so I knew that I enjoyed it, and did it at A-Level as well, and I was enjoying it there as well so I decided at that point I was going to go for that.

(Interview, 15/12/2013)

Students studying law at A-level or as a part of another course and wanting to continue to study this at degree level did not come as a surprise. Students often spoke positively about previous study of the subject. It is estimated that at Middlebridge between a third and half of the undergraduate law students would have studied law in some capacity before starting their law degree.

### **The Impact of Capital**

All the alumni interviewed who took part in the focus groups had completed their 4-year academic/professional legal qualification at Middlebridge and therefore possessed the formal credentials needed to enter the legal labour market. However, they did not have the broader forms of social and cultural capital needed for easier manoeuvrability within the field and into the higher end of the legal labour market. Even with a working-class habitus, a legal education from a Russell Group university would have given greater flexibility within the field. It was clear that even where those participants previously acquired habitus was mostly contrasting with the social conditions of the field they had joined, some were able to adapt (albeit to differing degrees) to its rationale of practice and take advantage of the opportunities afforded to them. Common to each alumni but held in varying amounts and configurations were the notions of social, linguistic, academic and professionally

focussed capital. Noticeable from the data however, was a limited motivation to accumulate the required capital with a preference for watering down ambitions and accepting a position at the bottom end of the legal labour market.

During their time at Middlebridge, students were able to experience a dress rehearsal of legal practice. Working in the law clinic the students were able to (under supervision) advise members of the public, wear a suit or during law school moots, wear a wig and gown as a practicing barrister would. Although the students were not fully immersed in the legal profession, this early exposure nevertheless began to shift their views of the profession and their chances of working within it. Amanda averred:

‘I was pleasantly surprised we got to do the law clinic and I got to join the mooting team too. I thought it (law at Middlebridge) would be ... just like typical lectures ... you know, stood there at the front dictating all these things to you and then you just scribble it down and go and read a load of books. That’s what I expected and that’s not how it is at all.’

(Interview, 5/1/2013)

In the early stages of their legal education, students and alumni interviewed averred that they were concerned with acquiring educational capital in the form of legal knowledge. Students appreciated that grades were important but did not acknowledge that their grades or degree was not of equal capital value to the same obtained from a more prestigious university. What they really valued, above all else, was doing what a lawyer does or what they perceive a lawyer does based upon media images. The capital of acquiring and applying legal knowledge was important because it demonstrated their development as lawyers. Laura commented:

'I enjoy the practical aspects of law, like the applying law, the scenarios, using what you learned to apply it to a situation. That was what we did a lot of at A-level, that was what I really enjoyed.'

(Interview, 14/12/ 2012)

### **Academic Capital**

Academic capital was a term first used by Bourdieu in *Homo Academicus* which he attached to the academic staff, graduation from the École Normale Supérieure (Grenfell, 2007), the age at passing a very selective exam that resulted in a prominent lecturing position (Grenfell, 2007) and the expansion of academic products including, 'encyclopaedias, books, journals and lectures' (Bourdieu, 1988/1984, p. 98). In the baccalaureate, Bourdieu referred to the grades awarded and options studied as educational capital (Bourdieu, 1988/1984, p. 168). In this study, academic capital referred to the legitimated forms of academic ability and knowledge profitable to students and alumni within the field. This eventually translated into academic achievements and attainment and subsequently an increase in the value of their cultural capital. It was envisaged that it would develop over the course of their engagement within the field and include extra-curricular activities such as mootings, attending law fairs, placements, participating in the law schools law clinic and general networking within the field.

Sophia and Henry were the two research participants who identified as being middle class. Sophia was in her first year of legal education at Middlebridge and Henry was in his second. Whilst this research does not seek to generalise, the interview data suggested that Sofia and Henry not only possessed greater levels of cultural, social, economic and educational capital than other students who were interviewed, but owing to their greater possession of capital, they were aware of the significance of owning greater stocks of capital within the wider context of the legal labour market.

Sofia's father is an architect and her mother was a school head teacher. Sophia was privately educated then attended a prestigious local sixth-form college before going to Edinburgh University to study philosophy, in other words, a middle-class course at an elite university. Whilst at Edinburgh she transferred to study psychology before dropping out completely. Sofia then worked for 10 years running her own business, winning an entrepreneurial award along the way. Sophia's grandmother then became ill and with Sophia becoming a mother herself, she felt the time was right to move back to the Middlebridge area. With Middlebridge being the local university, she decided to continue her education there. She opted for law having found that her established habitus was more closely aligned with the legal practice field than others. She had no apprehensions about 'fitting in'. She described her parents as being 'relieved she has settled on law'.

Sofia had to work hard to juggle the demands of studying for a law degree. Her current situation, a single mother on benefits and looking after her young child whilst also caring for her grandmother – displayed characteristics perhaps more normally aligned to the working class. However, owing to her middle – class habitus and accumulation of capital she was able to move freely between 'the law' and the other social spaces, and never felt they were incompatible. The congruence between Sophia's accumulated habitus and the rationale of practice she was entering was noticeable from her evident 'feel for the game'. She was well aware of the drawbacks of not going to an elite university and firms preference for this. Ultimately, her decision had to be based around her young child, living close to Middlebridge was not without its benefits. She said:

'My parents both went to Middlebridge university back when it was a polytechnic.

Oh yeah, back when that (central services) was the only building, the one they can't pull down and they had a fab time, I'm from Middlebridge I know what the drawbacks are and I know what the limitations of Middlebridge are. I know where Middlebridge ranks in the league tables, I'm not daft, it's not the best university coming to study law at. Despite the fact that unfortunately everyone makes it as

nice as possible and the education's as good as they could possibly make it. It would've been a better idea to maybe go to York or Leeds or Manchester or something like that but ... I have a child who's two years old and I live next door'.

(Interview, 10/12/2013)

Despite experiencing Middlebridge, enjoying the university and having a positive experience, her conditioned habitus meant she would still choose an elite university if she were to have her time again:

'No, I wouldn't have chosen Middlebridge in the first place, not if I'd got, I had Oxbridge, Newcastle, York, Edinburgh I can't remember, Durham, and I had an offer from all of them. So, I mean Middlebridge ... you know, it was not an option and I wanted to leave, who the hell wouldn't want to leave here, you know, people come back here but most people leave, at least once'.

(Interview, 10/12/2013)

### **Linguistic Capital**

To Bourdieu, language was much more than a communicative tool:

It provides, together with a richer or poorer vocabulary, a more or less complex system of categories, so that the capacity to decipher and manipulate complex structures, whether logical or aesthetic, depends partly on the complexity of the language transmitted by the family

(Bourdieu & Passeron, 1977, p. 73)

As a method of cultural communication its use varies within society and differing social fields (Grenfell & James, 1998). As well as habitus and the varying forms of capital, this repertoire of language is developed by individuals that reflects the rationale of practice of the social field they are in with the initial familial social field exerting a strong primary influence (Grenfell & Lebaron, 2015). Linguistic

capital contains aspects of the form and content of language valued within a field, including grammar, linguistic repertoire, forms of phraseology, and tone and mode of written and verbal expression or expressive style (Bourdieu & Passeron, 1977; Bourdieu, 1990/1980).

Language was not often mentioned during Sophia's interview; however, her linguistic capital was more closely aligned to the accepted 'norm' of the legal field. Perhaps more importantly, she was aware of its significance:

'I won't be talking with a Yorkshire accent...I'll be alright, because I can always find something in common with someone, that's what they give you when you go to grammar school, they give you something like that'.

(Interview, 10/12/2013)

The data emerging from this research highlights the important role of linguistic capital in participants' decisions to study at Middlebridge and their experiences at Middlebridge. Linguistic capital influenced feelings of belonging and fitting in, which was important to many working-class students at Middlebridge law school. Sabrina, discussing her open day visit, spoke of the current law students, saying:

It was just the general, they'd walk up to talk to you, and then the amount of times ones of them would walk up to talk to you was nice, they spoke and sounded like me, made me feel at ease.

(Interview, 5/12/2013)

One participant recalled how during a period of legal work experience, her Barnsley accent was referred to at one point by a senior Queen's counsel as "offensive and incomprehensible to the intelligent listener" (20/12/13). The more elite the firms or chambers, the higher the degree of linguistic capital demanded. Those interviewed were largely unaware that the legal profession would

demand such capital, initially entrusting their academic attainment and a certain amount of extra-curricular activity as sufficient for entry into legal practice. Habitus endows linguistic capital and those from the working class possess it in varying, but lesser forms to those from the middle classes.

Bernstein cites language as one of the cultural differences that can account for varying educational achievements between the classes. More specifically, he suggests a limited use of linguistic repertoire as a reason for the underperformance of working-class students. In comparison to those from the middle-class who he believes have an “elaborated” vocabulary. Bernstein avers the working classes’ use of a “restricted code” as language that is neither analytical nor evaluative but rather narrative and descriptive (Bernstein, 1973, p. 128). Consequently, this places working-class students at a disadvantage in attempting to acquaint themselves with the language adopted by a middle-class dominated profession. A problem experienced from the very outset by many of those beginning their legal education at Middlebridge, as discussed during one of the focus groups:

Holly: I didn’t really get what the tutors were saying in lectures and workshops, it took me long enough to understand what I was reading, some of the words, I mean, it was like Shakespeare stuff at times.

Mathew: Following lectures was the hardest part I thought, tried but then had to use my legal dictionary all the time.

Rebecca: Just because, like you say, you’re coming in to do a degree that’s got so much jargon that completely goes over your head half the time and there’s concepts that you’ve never heard of before, you’ve got to do these essays on a complete area of law with a precise word limit that you’ve never done before, it’s like you’ve been thrown in with the sharks sometimes so you do need somebody to just sit down with you and say ‘take a breather, this is what I said and this is what it means’.

(Focus Group 2/2/2014)

This disadvantage is alleviated to an extent as the students become more acquainted with the texts, case law and statutes. Yet, the adoption of a more “elaborated” linguistic capital, as discussed in the next chapter, is still required for successful completion of certain modules at the professional stage of training such as advocacy and conferencing and for entry into the legal labour market.

### **Social Capital**

According to Bourdieu, social capital depends upon the range of capital possessed by those with whom the individual is connected as well as the size of the network of connections one can mobilise (Bourdieu, 2006, p. 110). He described social capital as:

The sum of resources, actual or virtual, that accrue to an individual or group by virtue of possessing a durable network of more or less institutionalised relationships of mutual acquaintance and recognition.

(Bourdieu & Wacquant, 1992, p. 119)

In the context of this research, social capital was elicited primarily from social networks grown within the field and were potentially able to confer benefits, in the guise of access to work placement schemes; interviews; collaborative agreements; practical support; training contracts and pupillages. Considering what Bourdieu referred to as the ‘multiplier effect’ (Bourdieu, 2006, p. 110). The data suggested the greater the social capital the greater the degree of understanding of this concept amongst students. The two students who identified as middle class and had the greatest social capital were most aware of this, and crucially, before they had started their legal education at Middlebridge. Henry, already at an advantage owing to the possession of linguistic capital said:

My dad always used to say it wasn’t about what you know it’s who you know, getting your face known, that sort of thing. I kinda get that now, he’s telling me to stay in touch with the people I’ve done my two placements with and I’m gonna try and do

that. You never know, hopefully it will give me a way in (to the profession), if they get to know me anyway.

(Interview, 10/12/2014)

Sophia acknowledged the law school advertises local working partnerships. Partnerships that can bolster the capital of those who aspire to obtain, cultivate and use it and potentially open the door to the field. Yet she was indifferent about whether they will prepare her for success in the legal labour market. Sophia seemed very class conscious and demonstrated a real understanding of the rules of the game, and how to position herself within the field:

'I think it depends on your own individual ability to go and network yourself which I knew and had been preconditioned to do. I've joined the University Law Society, I'm in the law clinic, I'm doing everything, all the right movements to get myself to know that person who can get me that training contact because it's not about applying, when your application goes in, they already know you're going to be applying, they're just waiting for your form, that's it, that's what I think anyway... I'm a female and you're a male and I know that's not supposed to count any more but it really does, trying to get in the boys club when you're a girl, you either look good, or you work hard, to get in the boys club, so I've got to decide when I get there, which one it's going to be, it's a tough decision that'.

(Interview, 10/12/2013)

Here it is worth linking Sophia's comments to Diane Reay's (2014) position on the intersection of class and gender. Many of the studies and research encompassing social class consider theories, experiences and methods that apply to males and females equally. There is research that suggests habitus is formalised, amongst other things, by gender enculturation and differences, which, in turn, influence educational achievement (Eden, 2017). Much like this research, Edgerton, (et al., 2012) used

a Bourdieusian approach and established variances in the effect of habitus on academic attainment with socio-economic status having a greater effect on girls than boys. Reay's research (2014) suggests the educational system works to cement a positive identity for the middle-to-upper classes, an identity not afforded to those from the working-class. This, Reay believes, is owing to the difference of how class and gender traverse (Reay, 2014).

Reay, (2014) suggests there is a greater propensity amongst working-class females to worry about being a 'failure', being unsuccessful or that they possess insufficient worth. To these girls, it is their working-class culture and identity that prevents them from maximising their academic potential. However Sophia, we know now alludes to similar dispositions. Suggesting, irrespective of class, gender inequality is a concern for some.

As well as an understanding of the various forms of capital needed in order to be successful in the legal practice field, Sofia's habitus had instilled in her a socio-economic position that she was desperate to re-establish. She knew what she needed to do and had a clear strategy for engagement with the field. She was a 'fish in water' (Bourdieu & Wacquant, 1992, p. 127) It is worth remembering that the nature of social networks differs and the social capital elicited from them does not necessarily hold the same value. The data suggested that those students who fitted more comfortably within the field had networks with higher capital value than those who adopted a more marginalised approach.

Within the wider field of legal education, those from the middle-classes, already possessing greater levels of the various forms of capital, were by now working to increase their advantage. They were able to strengthen their position within the field before they got to university or at least at the point of entry into legal education. According to data from this research, those from the working classes seldom realised it was necessary to be acquainted with the various groups, people and networks of the legal labour field. When they did, it was often several years into their legal education, at which point the middle classes had already increased the pre-existing advantage their habitus and possession of capital afforded them. More precisely, the working-class students at Middlebridge, in

years one and two, were largely unaware of the requirement to get 'acquainted' with the legal profession and accumulate social capital relative to the area they wished to practice in. Often when the realisation set in, this requirement was met with trepidation. Mariam was a third-year student:

Its only now I'm realising that a lot of it is down to yourself and marketing yourself, that's a big problem for myself I think, like having to go out and you need to create all the contacts and everything, that's quite hard to do I think with law especially, and yeah that's it really.

(Interview, 29/11/2014)

This point was echoed by Mark:

They need to give us more support on how to like, the marketing thing is a big problem I think personally, because I don't know how to go out and get contacts and speak to people, and all that kind of thing. I didn't know all that was important until now.

(Interview, 17/12/2014)

As students moved into years three and four of their legal education, the workings of the field changed and the realities of the wider legal labour field became more salient, a topic considered during one of the focus groups:

Kelly: Oh, when I first started I was going to get my degree and I was going to go straight into, I thought it was just, I didn't completely understand that you had to do your three years and four years and then carry on, I didn't appreciate that factor I thought that was it and I was going to be a lawyer, I was going to have all this money, like you do, I was just oblivious. You just assume it's a straight path, I don't think anyone, in the beginning at least, thinks about the other stuff involved.

Lyndsey: Yeah, when I realised that you've got to do the third year, no the fourth year sorry and you have to pay for that and like the cost of paying for each one and then in my second year like applying for work experience opportunities and realising like what entails on a training contract and how you get one I just thought 'oh this is not going to be easy' and then like a lot of people saying there's no jobs for graduates, there's no jobs anywhere for anyone, things like that was obviously a factor but I think I've realised now it's a lot more difficult than just having your degree, a lot more difficult. You need luck or connections or actually, probably both.

(Focus Group, 31/1/2014)

Students sought social capital in the form of relationships fostered through mentors and work experience. By "opening doors", these relationships helped secure future social capital. Much like the capped value associated with a Middlebridge legal education, the same can be said for the tailored contacts of the law school which were with small, locally-based firms. Melanie, a lecturer notes:

They'll have some contact here with other firms, local firms, that might trickle down to them that you've got to work hard and think about the competition that's out there and the kind of other student that you are competing with. So, I think it does dawn on them.

(Interview, 29/11 2013)

While each student entered the legal education field with their own set of dispositions, initiative was a disposition that students had to rely on, consciously and subconsciously. It was clear that students who took the initiative and were actively involved in the cultivation of capital through attending curricular and extra-curricular activities were better placed to negotiate a desired position within the field. Initiative as a disposition was both acquired and intrinsic. Some students suggested it was in

their personality to be aspiring and thus part of their personal habitus, others spoke of making a positive impression through putting themselves 'out there'.

### **Cultural Capital**

Bourdieu asserts that cultural capital is the ability to be fluent in the understanding and appreciation of a society's foremost culture and specifically 'educated' language (Bourdieu, 1977). The possession of cultural capital depends upon a person's social class, however higher education assumes the possession of cultural capital. Subsequently, working-class law students at Middlebridge are arguably presupposed to finding higher education more difficult:

By doing away with giving explicitly to everyone what it implicitly demands of everyone, the education system demands of everyone alike that they have what it does not give. This consists mainly of linguistic and cultural competence and that relationship of familiarity with culture which can only be produced by family upbringing when it transmits the dominant culture.

(Bourdieu, 1977, p. 494)

Most participants possessed negligible cultural capital. The result of which was seemingly an ignorance of the pedagogic message being delivered by faculty members. A problem Bourdieu believes is most noticeable in universities, where students, fearful of revealing the extent of their ignorance, "...minimize the risks by throwing a smoke-screen of vagueness over the possibility of truth or error." (Bourdieu and Passeron, 1990, p. 114). Many of those interviewed in their third or fourth year suggested the faculty should be doing more to help them be successful in pursuing training contracts and pupillages, specifically, being honest about their chances of success from the outset. During one of the focus groups Chris and then Henna said:

Daniel: so, you're saying you feel the university should be more honest with you-

Chris: Yeah, they should.

Daniel: About the legal labour market. Do they-

Chris: That'd prepare you from an earlier stage than when you go out then you've wasted all your time and money and as well and then you're getting nothing out of it, that's just stupid, why don't they tell you at the start, that's something that they need to do.

Henna: I think they should guide you in a sense, at least when you start, guide the students in a realistic term, they don't have to stand there and be like 'everything's really fancy' or 'everything's really good' but even in the middle kind of way that if you're working hard you will get somewhere and if you are applying you will get somewhere it's just not a matter of you need to start doing this and that at the beginning of term.

(Focus Group, 2/2/2014)

In contrast, the two middle-class students, Sofia and Henry, both speak of being advised very clearly about how to be successful in the pursuit of a job in legal practice, Sofia commented:

We were told law was elitist by staff at Middlebridge on the first day, not to apply to the big law firms if we were not in possession of good GCSE/A-levels'.

(Interview, 10/12/2013)

Sophia appreciated this advice, it was not a surprise and she was cognisant of its significance, perhaps because she met its requirements and hoped it could be offset against her age and her late entry into legal education and that 'the doors to the big law firms are not shut'. Bourdieu's view is such cultural capital possessed by Sofia and Henry is inculcated in the middle-class home and provides an advantage even in an institution that is catering for a predominantly working-class demographic. Conversely,

this 'advantage' or knowledge of the field, extended to some of the working-class students interviewed as part of this research. Yet, as can be seen from Aisha's interview, the effects are noticeably different and serve only to reaffirm the downgrading of ambitions as others within the study have done thus re-establishing the positions of working-class law graduates within the field. Furthermore, it plays a part in the reproduction of the field's social order:

Aisha: I'm thinking of starting off as maybe in a paralegal role, seeing how I like it, re-apply for training contracts or maybe just stay in a firm, see what it's like because learning it will be a lot different from practise, practise will be completely different, so just finding what I like and if this is where I want to stay.

Daniel: So, you're quite accepting of having to take a paralegal role?

Aisha: Yeah, yeah.

Daniel: Has that changed from maybe your first year?

Aisha: Yeah, sort of, my brother is a solicitor, and he's told me what it's like getting a training contract

(Interview, 8/12/2013)

Cultural capital incorporates, *inter alia*, understanding and ability (Bourdieu, 1991) and reflects the rationale of practice of a legal field translated into what Moore (2008, p. 111) explains as 'physical and cognitive propensities expressed in dispositions to act in particular kinds of ways'. Professionally-orientated capital in the context of this research reflects a prized form of cultural capital that includes students' knowledge and skills related to the requirements necessary for professional practice and securing a training contract or pupillage. The data showed that academic and professionally-orientated capital are inextricably linked. They are independent in their own right however, they complemented each other and are best understood as overlapping entities. Professionally-orientated

capital included the depth and understanding of the legal labour market, the need to cultivate and develop possessed capital, personal management including communication and appearance, engagement with developments in the legal labour market, the requirements of solicitors' firms and barristers' chambers, including continuing professional development and reflective practice. Much like academic capital, professional capital was supposed to develop throughout the student's legal education and engagement with the field. The data suggested this was not so. There was a reluctance from many students to develop their professional capital especially in aspects of the field they were not comfortable with, for example, firms dominated by middle-class employees, a legacy exacerbated by their habitus. A habitus that was deeply entrenched. A point to note in respect of professionally-orientated capital is that, for the middle classes, there is the opportunity for it to be deployed and offset against limited stocks of academic capital. An opportunity that does not present itself to most of those who took part in this research.

Nonetheless, if working-class law students at Middlebridge are prepared to play the game then, as Melanie a senior lecturer at Middlebridge law school suggests, there is reason for cautious optimism:

If you were to do an analysis of where the people have come from, the background, people who are partners, even the judiciary, there's had to be intervention really to make sure that we do get a more (inaudible) wider society because they perpetuate people coming from public school backgrounds. So, there's had to be intervention in some of these institutions to make sure it's widened up. I don't think it's necessarily open whether people are doing it intentionally or not but I think there's kind of a link whether it being in the legal profession or within firms where people speak the same language and to be in with that kind of thing you've got to be from the same background. I think it's opened up more compared to what it was historically. I think it's much more open at the bottom level of firms, high street

firms, there's going to be more opportunity there. With the large commercial firms, their selection

(Interview 29/11/2013)

It would be wrong to suggest the working-class law students who were interviewed possessed no capital at all. Jenny qualified as a solicitor, she may have been the only one but she was successful because unlike the rest of the alumni she already possessed, albeit in limited quantities, tradeable levels of capital. Moreover, she aimed low, for a high-street firm. Melanie commented:

I'm not going to go work for a big massive firm and to be honest, I knew I had more chance of getting a training contract at a small local firm. I don't think I ever wanted to work in a big firm anyway either, I think you're selling your soul at some point for your work at those places and I definitely didn't want to do that, although, I probably do that anyway, but I think that's why I ruled it out. I just don't think I would ever aspire to work somewhere like there. Yeah, I don't think I would fit in, I think they'd all be quite, I think they'd all be very tight-knit and I'd be an outcast because I'm working class, I don't talk posh

(Interview, 25/11/2013)

It would be fair to conclude that the lower end of the practicing legal profession is more open to the working-class would-be lawyer. Government intervention, initiatives within the legal profession and higher education policy have helped. However, it is far from a level playing field. The data shows increasing polarization. The legal profession, as it stands, is not a unified profession, there are lots of subsets within it. Even if they make it as lawyers, there is a ceiling restricting movement within the field because of a lack of transferable and valuable capital. It perhaps comes as no surprise that the working class are, in the main, prepared to settle for their lot, work on the high streets, and leave the elite, money-laden firms to the middle class.

Considering Bourdieu's framework and applying it to university legal education, law students could waste no time in adapting to the social space (field) they were now part of. They had to use subconscious dispositions (habitus) to understand and acquire the necessary resources and social positions that rendered value (capital). In doing so, students and former alumni at the same time reinforce the organisation of the field and the valued capital contained within it as well as the rewarding of certain kinds of habitus. As the students progressed through their legal education, they became more aware of their surroundings, their place within the legal labour market and as a result, adjusted their horizons downwards.

Bourdieu presents a distinctive view to social science applications in the study of legal education. Bourdieu's theoretical framework, like classical Marxism and other critical social theories, considers the undercurrents of power in society and can act as a springboard for social change (Brookfield, 2005). According to Brubaker (1985), Bourdieu's *Theory of Practice* encompasses the view that social science has traditionally "torn asunder" and encompasses aspects of social life: the material/physical verses symbolic/mental, external structure and internal agency, and a theoretical/distant verses a practical/involved investigator stance. It is possible to suggest that Bourdieu is less political or strictly psychological than sociological by rejecting the chance to divide those aspects of point of view and social life. However, Bourdieu avers that his suggested interplay satisfies critical political functions (Bourdieu & Wacquant, 1992). Bourdieu's *Theory of Practice* is a powerful lens through which the experiences and expectations of working-class law students can be analysed. The differing characteristics of the field and how they affect the experiences and expectations could also be understood. For example, Bourdieu's theories help us to understand how external structures, for example barriers to the legal labour market, inform, and control the decisions and agency of working-class law students.

### Bourdieuian 'Reflexivity'

Another Bourdieusian principle worth considering here is 'reflexivity'. Bourdieu recognises the affect habitus has on how someone interrelates with the social world and the respective field; however, he considers it entirely feasible that a state of affairs may arise where there is a greater propensity for a person's own conscious reflections to override habituation. He considers this notion of reflexivity to encompass such situations, is an adaptive ability and subsequently occurs in response to adversity. Where there is a gap between 'experience and expectation' (Elder-Vass, 2007), as so many of the working-class law students at Middlebridge found, Bourdieu believes these students possess the capability to move outside of their zone of habitual comfort and bridge the gap.

One may suggest the power of social habitus may lessen if indeed a person's habitus, that affects their engagement with the social environment, can be superseded by disorderly or conflicting circumstances. A contrasting point for reflection needs to be considered, that is an individual's ability to be reflexive is determinative of their habitual environment, corresponding upbringing and exposure to a certain social environment. Sweetman, (2003, p. 543) notes:

... Reflexive orientation towards the contemporary environment may itself be regarded as a form of habitus, itself the outcome of an *adaptation to* (emphasis placed) – rather than a distanciation from – the changing nature of the social terrain

Applying this to those who were interviewed and what has shaped their experiences, expectations and career course, it is conceivable that the ability to reflexively adjust their lives was not equal. This poses the question of what circumstances facilitate the reflexive ability within working-class law students, and furthermore how a reflexive habitus manifests itself when trying to navigate into the legal labour market.

It would be understandable to assume that the motivation to be reflexive and the possession of the various forms of capital are prerequisites for successful engagement with the opportunities afforded

by the contemporary social environment. The middle-class student at a more elite university benefits from a greater arsenal of capital that gives a notable head start in negotiating opportunities within the legal labour market and minimising risks (Skeggs, 2004). As Ball (2003) suggests, more privileged students benefit from having parents who consciously engage in their education to ensure and even build upon their privileged positions. Reflexivity can be seen as 'cultural capital deployed in habitus' by young people from privileged backgrounds (Threadgold & Nilan, 2009).

One of the emerging themes from the data is that the ability to be reflexive is variant across working-class law students (at a new university). It tends to develop over the course of their legal education. The students who had just begun their legal education were the least reflexive, convinced of their unhindered route to legal practice and possessing no concept of the barriers or the need to consider a 'plan B'. This changed as students progressed over time as their exposure to the field increased. Bourdieu theorised habitus as a system of dispositions that underpin an individual's thoughts or actions and that social habitus could provide resistance to individualisation demands (Bourdieu, 1990). This research showed the further the research participants were in their legal education, the more reflexive they had become, both through necessity and choice. The culmination of this was the adjusting of ambitions downwards. Jenny and Aisha, mentioned above, had some tradeable capital and were able to use this to exercise more choice when being reflexive. The number of those interviewed who believed they would become practicing lawyers diminished as exposure to the barriers to entry grew. Some, relative to their time in legal education, maintained a desire to be a practicing lawyer; however, the number of students who adjusted their horizons downwards increased to a peak level amongst the alumni.

During one focus group, Holly was asked if she would be prepared to change to meet the requirements of entry into the legal labour market, she commented:

Yeah, I think that's what I'd have to do, it's what I realise now, like pretend I'm not who I am kind of thing, I'd definitely have to do that. Even for just like a starting point, do what I have to, start at the bottom and then work my way up there when I feel like I'm also capable of being there

(Focus Group, 2/2/2014)

During the same focus group, Michael, Jordan and Kelly, all fourth-year students took Holly's point further:

Michael: I'll have to work from the bottom I think, try and get just into like, working in a solicitors, maybe just being an admin assistant-

Holly: Or paralegal-

Michael: Just anything; work my way up, I'll start at the bottom.

Kelly: I'm not naïve to think it's going to happen straight away now, it's going to take a lot of time if at all (for her to qualify as a solicitor), especially for me who's not got like everything that you need so I think I'll have to work on that a little bit harder. Certainly, no more medium or large applications for firms for me. Total waste of time

Jordan: I think I'd go anywhere at this point, just to get in somewhere to be really honest, I'm not, I was really fussy before but I think that's kind of affected me in that way that I shouldn't have been so fussy.

(Focus Group 2/2/2014)

It is suggested that social advantage enables reflexive benefit and the middle classes, being more privileged, are more adaptive. The result is an assumption that the working-class are reflexively ostracised, those at the middle-class end of the spectrum raised in that environment have an inherited

right to reflexive capacity. This study suggests such a theory requires further examination for two reasons. First, research on reflexive conditions for young people and their pertinent life choices is, on a theoretical level, under researched. Suggesting that because of social or material advantage those from the middle classes possess greater adaptability supports the concept that reflexive habitus grows because of an adaptation to differing social conditions. Second, there are contradictory findings emerging from field research including this one. Whilst it is possible to argue that reflexivity resides more in the ranks of the more socio-economically favoured, this study suggests there is a limited reflexivity to be found amongst the working class who go to a new university, although it does grow over time. Interestingly, Huppatz (2010) in her research into the motivations of women working as nurses and social workers, suggested superior reflexivity amongst those from working-class backgrounds compared to those from middle-class backgrounds whose habitus appeared to have restricted their career choice. In response to this, it is suggested there will of course be greater reflexivity afforded to the working-class if they are pursuing entry to a lower-status field such as nursing or social work.

The data emanating from this study in part supports studies such as Reay, et al. (2009) and Aries & Seider, (2007) who suggest that working-class students are more likely to believe that hard work, determination, endeavour and personal characteristics hold the key to success in academia and the labour market (Reay, et al., 2009, p. 1108). This study found that the unequal distribution of capital amongst the working-class students led to some having a more rounded approach to their chances of success – even if only to acknowledge they needed to study harder or gain greater work experience in order to compete against students from more elite universities in the legal labour market.

It is difficult to contradict the evidence that concludes inequities exist between the long-term results of those from different classes (for example, Goldthorpe & Jackson, 2007; Reay, et al., 2001; Teese, 2000); however, this study suggests there is a need for greater emphasis on the discrepancies between

career options being considered by working-class (law) students and how this is manifested in differing reflexive responses.

### **Changing Expectations**

This research shows that working-class students, in the early stages of their legal education, had clear study and career ambitions. The significant majority wanted to qualify as a solicitor, work in 'high-street' law firms and practice in areas where they could "help" people. However, they were not, in the main, achieving this. Aries & Seider, (2007: p152) averred that working-class individuals often choose occupations based upon 'their intellectual capabilities and accomplishments', while there was a greater chance that the middle classes would take advantage of their possession of capital to pursue a career path corresponding to their socio-economic status. This study, rather than disagreeing completely with Aries & Seider (2007), instead adds a further dimension, which suggests the majority of working-class students lack sufficient conscious reflexive ability to be able to step outside their habitual comfort zone. The law is considered traditionally a middle-class profession with deeply-entrenched social class barriers to entry and the majority of working-class students interviewed as part of this research are not prepared to take on these class barriers to pursue a career as a lawyer, instead settling instead for lower-end jobs within the legal labour market. The significant majority of working-class students in this study harboured little desire to work in the elite firms for the same reasons they did not choose to apply to an elite university. The feeling of 'fitting in' was extremely important:

Daniel: So, I suppose the question is, if you got the opportunity to go and practice in a big city based commercial law firm or a high street firm like Switalski's in Middlebridge which would you go for?

Amanda: Honestly, Switalski's, 100% ... I just don't think that the city firms are for me, like you say I'd feel more appreciated, I'd feel like I could ask for help because

I'd feel like I was asking somebody not similar to me but that I could feel comfortable to ask, I could not imagine working in Pinsent Mason's like my friend does in Leeds where you're just another number, I just don't like that side of it, I'd rather be somewhere that I feel comfortable.

(Interview, 16/12/2013)

Henna: 'I think I'd be much more scared to approach a big firm, like say if I had a training contract at both, I'd feel more comfortable to just walk into a smaller firm or medium-sized firm than for example going to London ... I'd feel like in some ways you'd have to dress different, not like you wouldn't dress smart for a small firm but like you could wear a nice smart dress for example with a blazer and your leggings and everything, nice heels in a small firm but in a big firm I'd feel like I'd have to wear a suit, like a shirt skirt

(Interview, 17/12/2013)

Expectations were falling, moving away from their original expectations of being high-flying lawyers earning considerable sums:

Daniel: What's your expectations of the legal labour market? Did it ever change?

Holly: Oh, when I first started I was going to get my degree and I was going to go straight into, I thought it was just, I didn't completely understand that you had to do your three years and four years and then carry on, I didn't appreciate that factor I thought that was it and I was going to be a lawyer, I was going to have all this money, like you do, I was just oblivious.

Daniel: At what point did that change?

Holly: When I realised that you've got to do the third year, no the fourth year sorry and you have to pay for that and like the cost of paying for each one and then in my second year like applying for work experience opportunities and realising like what entails on a training contract and how you get one I just thought 'oh this is not going to be easy' and then like a lot of people saying there's no jobs for graduates, there's no jobs anywhere for anyone, things like that was obviously a factor but I think I've realised now it's a lot more difficult than just having your degree, a lot more difficult.

Daniel: Do you think your peers are aware of how competitive the job market is?

Holly: When we started? No not at all, oblivious. but we were all the same, all just like, not knowing until we were getting ready to head out into the big bad world kind of thing.

(Interview, 3/12/2013)

Lucinda gave a detailed and noteworthy explanation, much in unison with most of those over halfway through their legal education or part of the alumni:

Daniel: Okay, what's your expectations of the legal labour market?

Lucinda: I just think, there's no hope for law graduates anymore, like for example me coming into first year it was like 'right do my law degree, then I'll do the MLP' so I always wanted to do the MLP, that was another factor that influenced me coming here for that course so I was like 'I'll come here and do my MLP and then even if I wait six months' this was like my cartoon picture 'I'll wait six months and then I'll do my training contract and I'll do that and be qualified and be working' that was me in first year. Then it got to the second year, I'd done a few placements in first year, and it was like even these are getting harder now and then they started introducing law careers, so you'd start sending millions of applications through local law firms, but

it's like 'right nothing's coming back now it's really starting to sink in that I'm in second year, third year, nothing's coming back' all summer you sit there sending applications, they just send you a little letter saying 'we've had too many people' or whatever and then you get the random one 'oh yeah you can come for a placement' and in third year you'd be so busy in your studies like even with the MLP course because you're doing both, LPC and LLB, I think it was just I can't be bothered doing it now, sitting for an hour filling out an application form when I know they're not going to get back to me, you just lose hope in yourself and then when you've done your degree after that, pick yourself up again, it's like 'I've got to get a job somewhere somehow' then I start applying, and then you're so busy in studies again. I think when you're in first and second year you're quite motivated to do it but when you know you're not getting anywhere you just lose hope.

(Interview, 13/12/2013)

Initiative was a disposition that students had to rely on, consciously and subconsciously. It was clear that those students who took the initiative and were actively involved in the cultivation of capital through attending curricular and extra-curricular activities were better placed to negotiate a desired position within the polarised legal labour field. Initiative as a disposition was both acquired and intrinsic. Some students suggested it was in their personality to be aspiring and thus part of their personal habitus, others spoke of making a positive impression through putting themselves 'out there', (an entrepreneurial self).

More specifically, this notion of 'choice' as alluded to by Aries & Seider (2007), suggests that for the middle classes, 'choice', in this context, relates to which elite university to attend. An impression formed from this study would take this one step further by suggesting choice extends to which elite law firm to apply to, and would go some way to explain why the elite firms are dominated by the middle and upper classes.

The choice of self-determined working-class students to attend a new university and seek practice in a high street firm where both the former and the latter more closely reflect their socio-economic status suggests habitus and the various forms of capital discussed, influences their trajectory. Their experiences, expectations and aspirations are related to the material and social resources available to them and, through their actions of university choice and practice area, they consciously (or unconsciously) reproduce the social position of their habitus (Bourdieu, 1984, p. 466).

Career options outside legal practice are given contemplation and encouraged by the faculty as a fall-back position because, ultimately, reality kicks in for the students that they are unable to achieve their initial aim. A response inured by their habitus rather than a desire to engage with alternatives (Bourdieu, 1990). The notion that habitus underpins their decisions is supported by the propensity of most of the working-class students interviewed in the early stages of their legal education to be completely naïve as to the problems and pitfalls of entering a classed profession, or even that class bias exists amongst firms of solicitors and barristers' chambers. It was only much later that they came to realise what was going on, at which point changing degree course was logistically unrealistic. When asked whether they believed they could be discriminated against by sections of the legal profession because of their class, most could believe it and were not surprised by it, but they were unable to offer any real comprehension of what may lie ahead. The most common response was to downsize their ambitions. Those who were approaching the end, or had concluded their legal education at Middlebridge often displayed an openness, even acceptance that they may need to work in another corner of the legal profession, either temporarily whilst awaiting a training contract or pupillage, or permanently. Shazia, summarised this position:

I thought I just had to work hard at uni. It's only going to come once and I want to be a lawyer but if for some reason I can't, well, you know, when you're finished there'll be something there, there's loads of jobs. Even if you don't get a trainee, do paralegal work or there's other routes.

(Interview, 17/12/2013)

Of course, this was not what they wanted, or what they thought they would be doing:

Jenna: I am basically a debt collector, I am classed as a 'litigation executive' in the law enforcement department at a solicitors. That basically means once the solicitor bills their costs, it's my job to chase those costs until they come in. For about just under two months before that I was in the admin department.

Daniel: Is your current position, your current job, where you thought you would be

Jenna: No.

Daniel: Where did you expect to be at this point?

Jenna: I wanted to be three months into a training contract at this point, and nobody at uni really explained to us how limited those places were, and universities are still taking on massive amounts of students and not really explaining you probably won't get anywhere with this, not where you want to be anyway.

(Interview, 15/12/2013)

Threadgold and Nilan, (2009) averred a laissez-faire 'things will work out' approach from the middle-class students. The authors suggested that working-class students possessed more matter-of-fact concerns about their futures that differed notably from the acceptance of uncertainty that was harboured by the middle-class students. It is difficult to dismiss the notion that reflexivity is not reliant on socio-economic position and that the above mentioned approaches are not influenced by greater possession of the various forms of capital. There is not a blind acceptance of such a belief. Laughland-Booy, et al. (2015) provide evidence that contradicts Threadgold and Nilan's claim (2009: 63) that the middle class possess 'the "new" cultural capital of reflexivity' enabling them to accept structural uncertainty and be safe in the knowledge that they 'possess the choice to choose' (Threadgold & Nilan,

2009, p. 59). Laughland-Booy, et al. (2015) argue instead that the passivity of the middle classes when exercising choice denotes a *non-reflexive* or pre-reflexive state facilitated through the safety of their positions within the field and their socially-located habitus. What this study suggests is that the adaptability and reflexivity of working-class students occurs over time with increased exposure to the field, and once the true realities of the barriers to entry become apparent.

For the privileged middle-class young person wanting to be a lawyer, the route is often more of a 'foregone conclusion' (Atkinson, 2010, p. 97). For the working-class young person, the gradual realisation and acceptance of the legal labour market barriers forces them to consider a wider range of alternatives. Particular emphasis on a plan B should a career as a lawyer not be at least temporarily available was prevalent amongst many nearing the end of their legal education. Financial concerns and a need to be in some form of employment were serious concerns for those approaching graduation. Laura, a final year student said:

'Being a lawyer was what I set my heart on doing, can't believe, like how difficult it is to even get a training contract, never gave it much thought originally you know what I mean? Just assumed the LPC would be enough, bit of work experience and all. Doesn't look like I'll have one when I finish my course so I dunno, got to work though, cant not. I won't just do nothing though, I'll paralegal for a bit, have to really, need the money'.

(Interview, 13/12/2013)

However, it would be wrong to assume that every working-class law student will profit from the reflexive chances individualisation provides. Adams (2006: p522) comments:

One's habitus may restrict and condition a proportion of 'choices'; social change may be facilitating a reflexivity which penetrates the fog of structured dispositions;

but identities are formed in the ability to translate the choices which emerge from this complex interplay into meaningful realities.

This study reflects Adam's (2006) argument that self-awareness created by reflexivity can ultimately result in a dissatisfied working-class youth who remain entrenched in their habitual occupations through an acknowledgement of a ceiling to their social and structural mobility.

This case study demonstrates that working-class law students experience their legal education at a new university law school as a series of transitions. Those interviewed had to negotiate a series of fields, or social structures and were largely unsuccessful: legal education and the legal labour market. The chances of success marginally increased where students were already in possession of capital valued by the field or were able to secure and cultivate capital in the form of legal knowledge, and increase their social capital by building a series of connections in the legal labour market. However, there was only limited evidence of this. With the legal profession being deeply polarised, those who did increase their stocks of capital, only served to make themselves more attractive to the bottom end of the legal labour market. With the majority beginning their legal education with visions of grandeur, most of those interviewed, irrespective of their current position, had gone 'down market'.

It would be mistaken to depict agency as absent amongst the students and alumni interviewed. This research suggests that, whilst they made an array of subconscious decisions in order to negotiate various transitions at Middlebridge Law School, they engaged with extracurricular non-academic activities associated with the law school such as the law ball and ensured there was time for socialising with friends and family - ones that do not generally confer valued social or cultural capital.

By lowering their goals, students are reflecting the constraints in which they operate. Faculty nevertheless believed they were giving the students the tools to compete in the legal labour market.

Emma, said:

'They may come on the course thinking 'oh yeah, I'm going to be a lawyer' because they possibly don't understand the complexity of actually getting there and then the realisation will creep in through the course, and then their expectation will change maybe at the end of that. But what I pick up from the course that we provide, that I feel is a strong thing for students, is these transferrable skills and that's what I focus on because I think, although the expectation might have dawned that we're not all going to get jobs as solicitors, ... if we provide a valuable education experience for them, hopefully they will leave with that thinking that they're a far more competent person that when I came here; 'I can interview, I can read complex material and summarise it, I can draft letters, I can negotiate, I've got a range of skills ... So, I think that's important if the students make that realisation.'

(Interview 18/12/2013)

Nevertheless, whilst the majority of students interviewed were prepared to concede that hierarchy and inequalities existed in the social structures of universities, different law schools and the legal profession they were naive to the prospect, as were parents and academics, that they themselves may be complicit in reproducing the same hierarchy and inequalities. In her interview, Rebecca commented:

Daniel: I'm supposing then that you weren't really, understandably, very conscious of that class bias when you were making your university choices.

Rebecca: No.

Daniel: Now that you are, retrospectively, would you change which universities you applied to?

Rebecca: No, I think I would have still always come to Middlebridge, again, the main reason I came here was for the comfort reasons but also because if some rejected

me because I came to the University of Middlebridge I'd have turned round and told them 'well you can stick your job'. It shouldn't matter where I went, it should matter how qualified I am for the job, and how much potential I have, not where I'm from or what I do.

(Interview, 1/2/2014)

Bourdieu's model as a critical theory illuminates the prevailing norm in university legal education and contests what is considered simple logic (Brookfield, 2005; Brubaker, 1985). The faculty interviewed had invested much time redesigning the legal education they offered. However, it was clear that such initiatives were not often grounded in an adequately nuanced comprehension of the field (social structures) or capital (resources) that are taken seriously by students. Viewing the same through a Bourdieusian lens highlights that the failure of such reworking may not be solely attributed to the faculty but the complexities of socially-shaped situations. For example, realistic success in obtaining a training contract calls for a shared understanding of capital and its value.

Using Bourdieu's theoretical framework could enable future research to raise awareness and understanding of how field, capital and habitus interact to influence law students' experiences, expectations and transitions from "first year undergraduate" to "senior partner". Such research could be stand-alone or comparative of the experiences and expectations of the classes in high street, 'working-class friendly' firms and the more elite firms. Research could examine how the field shapes, and habitus regulates individual self-identity development and professional socialisation.

Compromises occur during research and it is acknowledged trade-offs were made during this study regarding sampling and data collection. Whilst 34 interviews and 2 focus groups suggests there was sufficient depth to theorise and draw informed conclusions, a case study at a single institution lacks breadth and transferability is limited. The sample of students was a convenient one; nevertheless, those who were interviewed were engaged and willing to inform the research project. There was a

broad representation of students across the faculty, complemented by alumni and faculty members. Nonetheless, it is not possible to say that these views represent the experiences and expectations of all former or future members of Middlebridge Law School.

It would not be possible to use Bourdieu's work and not be mindful as to how my findings may be shaped, at least in part, by my own position within legal education and legal practice. Students were also conscious of my background and may have felt they needed to answer questions in a way they thought I would have wanted. To compensate for this, I would carefully word my questions and revisit issues, in the focus groups for example, if I felt it necessary.

Pierre Bourdieu's work was used in context and informs my comprehension of the issues facing working-class law students at a new university. Issues that changed and evolved as the students progressed through their legal education and that were prevalent thereafter. The appreciation of the various forms of capital differed as they progressed and it is suggested, should the interviews and focus groups be conducted today and with a greater reflective emphasis, the appreciation may have changed again.

## **Discussion**

### **Introduction**

My interest in the intersection between education, law and class originates from my own journey through legal education and the legal labour market. Throughout this time, I was chasing my dream of practicing law as a courtroom advocate. I can recall an extra-curricular workshop I attended whilst negotiating my own route through the professional stage of training. The speaker, a practicing barrister (who also ran his own drama school), delivered a session on the professional style, manners and eloquence needed for the profession. His message was that prospective entrants to the club needed to speak and act in a certain way if they were to fit in and reach their full potential as barristers. Whilst I sat and took in this well-intentioned message, on reflection it is apparent that, this was as much a lesson in middle or upper-class habitus as anything else.

Before attending a job interview or giving oral submissions, I encourage my students to cover up tattoos, remove jewellery and dress appropriately. Essentially, I have been coaching my students to portray themselves as middle or upper class. Failing to do so would hinder my students and ill-prepare them with the practical skills they need to practice law. With my own journey in mind, I decided to study the issue of class and its relationship with legal education. Pierre Bourdieu's work is important because it elicits investigations into professional differences through the analysis of the possession of a person's social, cultural, economic and academic capital. As an example, it is possible to differentiate between lawyers. Some possess greater academic capital having been educated at an elite university instead of a 'new' one. Of course, it's not as simple as that with the university only being part of the package. Others enjoy more of what Bourdieu defines as "symbolic capital", a way of exerting influence or advantage based upon the resources an individual may hold owing to the prestige or honour associated with their credentials (Bourdieu, 1977).

This research endorses Bourdieu's concerns that pedagogy in the educational system serve to promote a culture of acceptance of one's place within a wider social structure (Bourdieu & Passeron, 1990). A further belief of Bourdieu was that educational establishments contribute to social inequality because those who benefit most are the ones who enter with the highest stock of capital (Swartz, 1997). However, the educational system hides the financial structures upon which the distribution of power is allocated by tales that emphasise, objectivity, merit and ability. Therefore, legal education is, in some respects, contributing to inequality. Conversely, some may ask whether or not everybody should have an equal chance of becoming a lawyer?

### **The Value of the Symbolic**

For Bourdieu, the reproduction of class structures and societal fields occur when new entrants acquiesce, implicitly, to an agreed value of symbolic capital and the position one's possession of capital gives. Bourdieu's notions of symbolic violence, habitus and objectification were used by him as vehicles for explaining the replication of class structures within society and their internalisation within people.

What Bourdieu defines as habitus has been discussed within this thesis; however, it is important to consider the power aspect of his theory, that which confers habitus evolved through a historical system whereby dominant groups or institutions maintained the status quo through physical pressure and the dominated were implicit in their own domination (Bourdieu, 1977). Habitus becomes entrenched where, through the process of objectification, the worth of symbolic capital is settled and supports the misguided belief that the value of symbolic goods is inscribed in the nature of things, and similarly interest in the same is inscribed in the nature of men (Bourdieu, 1977). Domination becomes self-automated where society places an unchallenged value on symbolic capital, the demand within the dominated is there irrespective of the dominating actors proving the worth of symbolic items.

The passage of time and creation of habitus through objectification empowered certain members of society to move from exerting physical force over each other to symbolic violence. This occurs where people partake in their own subordination to enjoy and collect symbolic capital, such as status or prestige. An example of symbolic violence, (provided by Bourdieu), occurs in a pre-capitalist society where the poor, for very little pay, were happy to work for the prominent land owner in exchange for the status and prestige such employment would bestow. The majority of students who were interviewed as part of this research suggested they were attracted to the legal profession and a legal education because, *inter alia*, the status and prestige it would afford them and their families, particularly amongst their local community. Instead of achieving their end goal of becoming a lawyer, the working-class interviewees adjusted their horizons downwards, remaining within legal employment at high-street firms often in clerical or 'paralegal' roles. There is no overt pressure to do this, but the collective understanding of the value of working within the legal profession, the kudos and status, means the working-class entrant is complicit in their own domination.

It is possible to question whether the trade of labour for status is forced and that the dominated have no choice. An alternative view would suggest rather than being forced, is the exchange not simply the result of two sides acting upon their own volition? Within law and economic theory there is an inherent supposition that the desired outcome of actors making rational choices is to maximise profits (Korobkin & Ulen, 2000). Bourdieu would argue that violence and intimidation would have been used had the early 'trade' not worked, and therefore there is no free choice. Furthermore, the habitus of the person underpins their choice, so a decision is rarely without influence. The individual is seeking the symbolic capital their habitus desires. Ultimately, whilst a person may think they are free to make their own choice about their future, in reality the decisions they make are curtailed by deep-rooted expectations of what they can genuinely do (Bourdieu, 1977). Bourdieu's view, that individuals are ill-equipped to alter social structures, are not without criticism, (Gartman, 1991). However, his notion of

habitus arguably improves on other concepts of structuralism because it provides a person some agency in the choices they make:

The lines of action suggested by habitus may very well be accompanied by a strategic calculation of costs and benefits.

(Bourdieu & Wacquant, 1992, p. 131)

In such circumstances Bourdieu would respond to rational choice theorists by suggesting, as was apparent in this study, that choices are not equally available to every person. The choices available and potential outcomes are dependent upon the variety and amount of capital possessed. Consequently, the working-class law student has fewer choices than his middle-class colleague. (Bourdieu & Wacquant, 1992).

A methodical development of symbolic violence occurred as societies became capitalist owing to a system of reproduction of the established order by its own movement (Bourdieu & Passeron, 1990). Bourdieu believed the law-making process was one such vehicle that permitted symbolic violence. What he referred to as 'juridical', transformed direct conflict between two sides into debate on a professional stage. Lay people coming to the debate have no choice but to yield to this debate and the symbolic violence preserved by those within the legal profession who use the law to their advantage. By sustaining a gap, lawyers and judges are empowered to continue with the symbolic value of the legal system as an unbiased form of dispute resolution. This negates the obvious point within this study, that those without power, aspirant working-class law students, were submissive to the social construct of the legal profession and the position that the middle classes wished to assume. Within this study, we saw many instances of working-class law students adjusting their sights downwards and thus acquiesce to the status quo. For Bourdieu, the processes of producing law and lawyers exemplifies symbolic violence because the dominated are complicit in their own domination

by permitting their problems to be determined by a system that prefers the more dominant groups in society (Jewel, 2008).

### **Education – Reproducing Class Structure**

Bourdieu suggests that the exclusive positioning of educational establishments contributes to the objectification process and subsequently societal class reproduction (Bourdieu, 1992). The pedagogical methods of lecturers mirror middle-class culture and yields a habitus amongst students that sees the structure of higher educational settings as the norm. Arguably this was as much the case at Middlebridge as it would be at a more elite institution. Furthermore, the educational system supports the notion that success is driven by individual merit, neglecting the value and importance of capital (Bourdieu & Wacquant, 1992).

Bourdieu gave the example of language to affirm how middle-class culture is reinforced by educators (Jewel, 2008). In France, educators were expected to use the language of the middle class because it was the language they were taught, justified on the basis that it demonstrated authority. Students at Middlebridge study the Legal Practice Course, the professional stage of training, in their final year of their legal education. As part of the course, the educators teach the students a type of formal language to be used, for example, when addressing a judge in court. Students see this middle-class language as the way they 'should' be speaking if they wish to enter the practicing legal profession. This teaches students to see the legitimacy of the middle-class legal culture and the illegitimacy of their own, dominated, working-class culture.

Language also shows how higher education masks the fact that success is not only attributed to merit, but other arbitrary factors such as inherited capital. The middle-class student endowed with public speaking linguistic capital holds an advantage over his working-class counterpart. A benefit that is carried into performance-based oral examinations on the LPC and Bar courses and lends itself to class bias. The lecturer has the power to assess using:

The unconscious criteria of social perception on total persons, whose moral and intellectual qualities are grasped through the infinitesimals of style or manners, accents or elocution, posture or mimicry, even clothing or cosmetics.

(Bourdieu & Passeron, 1990, p. 162)

The value attached to a law degree varies depending on the institution attended and its place within the university rankings (Sommerlad, 2007). Such a mechanism is a 'status closure' device (Kidder, 2004). The more prestigious firms and chambers attach greater value to degrees from elite institutions. It is those graduates, the ones who have done well throughout their academic journey that invariably end up with the most sought after, high-flying jobs (Champagne & Christin, 2012). Only one of the alumni interviewed as part of this research had become a solicitor. By her own admission, Jenny acknowledged she had the same job title and degree as her middle-class colleagues in the larger firms; however, she knew the salaries, areas of practice, size of the firms, and prestige attached to their relative degrees varied significantly. By instilling a belief that one's place in the system is owing to personal attainment and disguising the self-protection interests served by the status closure mechanisms, the higher education system hides the ways in which the privileged obtain the most advantage from the system. Furthermore, the structures of society are replicated (Jewel, 2008).

### **Symbolic Consumption – Choices**

Bourdieu also hypothesised how the consumption of goods created individual class identities. One of the notable conclusions of Bourdieu's *Distinction: A Social Critique of Taste* is that class identities are formed by participants through symbolic behaviour and consumptive practices (Weininger, 2005). The closer two participants are within a given social space the more similar their decisions, behaviour and lifestyles (Bourdieu, 1977). The majority of working-class law students who elected to study law at Middlebridge saw the law as a 'safe bet' in achieving a well-paid and secure future, a future better than their parents had. There was a strong correlation between background and the choice of

Middlebridge as the institution to achieve their aims with none of the research participants, including staff, coming from outside of the county borders. It was apparent that participants chose to attend an institution where there were people like them and where they felt they would fit in. There were a few who attended open days at elite universities but their working-class habitus steered them away from making the choice to go there and share a social space within which they would be uncomfortable. Arguably then they are steering themselves away from a chance to enhance their prospects of success in the legal labour market.

'Taste' can be considered within the context of lifestyle choices. Choices that, when translated, can be afforded a hierarchal value (Jewel, 2008). The dominant classes influence how cultural taste is defined and considering one's taste displays personal preference for the current societal construct the middle classes hold the power to attach value to particular practices and choices (Bourdieu, 1987). Bourdieu suggested every group attempts to present itself in ways that go beyond that with which it is known for (Bourdieu, 1977). The possession of symbolic goods and display of manners is one such physical way of seeing a person's taste and inadvertently a show of class unity.

There is a fight between distinction and vulgarity built upon the principles of supply and demand. The pursuits of the middle class are given a high ranking because of their cost or rarity whereas those considered vulgar carry little value owing to the ease within which they are obtained. Bourdieu's study of French consumer practices showed an upper-class love for the use of slow gestures and eloquent language that demonstrated articulate linguistic capital. Conversely, haste, and general outspokenness was considered vulgar (Bourdieu, 1977). As discussed earlier in this thesis, evidence of such polarisation was found when during a focus group one participant recounted how her Barnsley accent was described by a senior Queens Counsel as: "offensive to the intelligent listener" (20/12/13).

This sense of distinction used by the middle class is one such show of taste and one example of how status is demonstrated. A further example is that of 'manners' which carry considerable currency owing to their attribution to social power of value in possessing item of the past. It is rare, but possible,

for members of the working class to divert to or take on the role of one with higher social status to achieve the aim of practicing law. However, this is qualified. Jenny, as we have seen, scaled down her aims of legal practice to high-street law where working-class lawyers are in greater numbers. Consequently, her chances of achieving her goal of legal practice increased. Yet it is important to remember that whilst Jenny was 'working-class', she nonetheless had at least some level of transferable capital especially in comparison to other working-class students, and she was able to cultivate it accordingly.

### **The Ethical Implications of Bourdieu's Theories**

Academics have a moral and ethical obligation, in Bourdieu's opinion, to uncover and bring to the fore the realities of domination by institutions (Bourdieu, 1984). He suggested that if we are complicit in the view that societal construct is shaped by symbolic values and are prepared to change and question the same then the world we live in can be transformed (Bourdieu & Wacquant, 1992). Yet to challenge the subservient social structure, the academic must be prepared to relit on two key paradoxes: the deceiver's paradox and the paradox that occurs where the violent structure of class clashes with the subjective understanding of one's self (Bourdieu & Passeron, 1990). Bourdieu suggests the liar's or deceiver's paradox occurs because educational establishments are complicit in the existing systems of domination and those working within such establishments have little credibility if they condemn the system from the inside (Bourdieu & Passeron, 1990). Evident in this research, when analysing responses from faculty members, were examples of this deceiver's paradox. Middlebridge faculty were aware of the concepts of symbolic power and its effects on their predominantly working-class law students pursuing a future in a middle-class dominated profession. When interviewed they were open about their opposition to the class barriers that the majority of them had faced, but they were carrying out an activity whilst trying to ameliorate it (Davis, 1990). Bourdieu would argue academics and an institution like Middlebridge should not merely whisper their opposition to the status quo, he suggests they should do something about it. Doing nothing, according to Bourdieu, renders academics

part of the problem rather than the solution. Whilst it is unlikely to happen, academics must be louder and more willing to comment on their own ingrained culture (Weininger, 2005).

The second paradox occurs where one's subjective view contradicts what Bourdieu believes is an objective view of societal construct. Bourdieu believes it is important to consider the concept of a push-pull, subservient and dominant society within context and consider the:

Consciousness and interpretations of agents that are an essential component of the full reality of the social world.

(Bourdieu & Wacquant, 1992, p. 190)

It is easy to assume that when a conflict between the dominant and the dominated occurs that this is bad and strong resistance is good (and necessary) for society. Resistance can conceivably alienate but also empower, for example by overcoming class origins to achieve the symbolic rewards of the dominant class. This contradiction, according to Bourdieu, will always exist because it is inherent in the very reasoning of symbolic dominance (Bourdieu, 1991). Therefore, it is possible for the working class to break through as Jenny, mentioned earlier shows. Emma, a faculty member interviewed, was very proud of her working-class habitus. Having previously worked as a solicitor, she was now a university lecturer studying part-time for a PhD at Cambridge. Emma recalled her time in practice:

It was loads of comments ... that I didn't speak 'properly' that I didn't go to the right school. There was another girl that started after me and she had been to the right school and she was exactly what he wanted in terms of a trainee and very often I'd go in to get books and things 'what you going to get that book for? There's no pictures in it, how are you going to deal with that?' because I was 'common' because I was not from the right school because I wasn't of that ilk to be as professional as he saw it. But you know what, I dug in, I wanted to show what I was made of and that I was good enough, it made me more determined in fact. I would like to think I

more than proved my worth and now I'm at Cambridge doing my PhD I reckon that's also evidence of my worth.

(Interview, 11/2/2014)

### **Class Reproduction – Rankings and Merit**

This part of the thesis considers the data within the context of Bourdieu's ideas and legal education. More specifically, whether the merit-based ranking systems of universities and law schools are complicit in reproducing the social organisation of the legal profession. The next section looks at how Middlebridge University and its law school may be mirroring the middle-class image that the legal profession portrays and the response of those interviewed had to this.

Much like the French and American educational establishments that Bourdieu studied, higher education within the UK applies a ranking system to universities and their law schools (Bourdieu & Passeron, 1990). UK legal education mirrors class structures through a ranking system assigned to universities (and their law schools) and through the utilisation of courses like the LPC or BPTC as a form of barrier to entry. Such classification systems and barriers to entry mirror current class relations because those who lack the various forms of capital are at a clear disadvantage compared to those who possess them. Those who possess a greater degree of capital are less likely to end up at a university like Middlebridge. Those that do, still find themselves in an advantageous position, able to increase their advantage over the majority at Middlebridge Law School, who, in the main, are the 'have-nots' of the possible entrants to the legal profession. Conversely, those who attend the elite universities possess and cultivate their stock of capital through, for example, highbrow secondary education and connections to the professions. Their initial advantage and subsequent manoeuvrability within the legal labour field is even greater.

This research suggests class and socio-economic struggles are still very much prevalent in the structure of legal education and the legal profession with several premises apparent. The middle-class student

who attends Middlebridge Law School may still succeed in entering the more exclusive areas of legal practice, however, the type of law practice the Middlebridge Law School working-class graduates will enter does not carry the same prestige. They are not prepared to take on the class barriers of the more middle-class dominated areas of the legal profession, instead they are prepared to downsize their ambitions and settle for the scraps, such as paralegaling in small to medium-sized firms in the hope of maintaining some of the prestige associated with working within the legal profession. Second, the ranking of the law school attended by the graduate and their final grade classification influences what area of practice they end up in and the type of firm. Third, students who begin their legal education with a stock of capital will have a greater chance of success in the legal labour market than their counterpart will at the same institution who does not possess similar cultural and social capital even at somewhere like Middlebridge. Subsequently, the interaction of various factors; status level, area of practice and esteem are dependent upon the law school attended and the outcome of one's legal education, which in turn corresponds to cultural capital.

The ranking system of law schools sets a process in motion that perpetuates the historic stratification within the legal profession (Jewel, 2008). It is still the case, in the context of law school attended, that those attending prestigious establishments end up working in the more sought-after areas of law, such as corporate governance. Although it is possible for middle-class students from Middlebridge Law School to end up there. Those attending lower-ranking schools most often work within the common law areas, such as criminal, family or tort law (The Law Society, 2015). Working-class law graduates from universities like Middlebridge often find themselves possessing the same job title but earning substantially less than the graduate of an elite university. It would be amiss to suggest no students from universities like Middlebridge ever find employment within large firms, however, in order to do so they must usually possess high socio-economic indicators (Wilkins, 2007). It is possible that with the increasing admissions criteria, Middlebridge now require AAB at A-level, some from advantaged backgrounds are seeing lower ranking institutions as viable options for their legal education.

## The Merit Myth

The merit myth, in educational establishments, was founded in the works of Max Weber (1978). By attempting to define graduate success in the legal profession and law school in terms of attainment and ability, the legal profession is masking the truth. In reality, it is the most privileged that profit from the system of legal education (Weber, 1978). Bourdieu suggests such a 'myth of merit' promotes a habitus in working-class Middlebridge law students to inwardly conceive expectations and make sense of their experiences centred upon the hierarchy of the current legal profession (Bourdieu & Wacquant, 1992). What was evident in this research, particularly for students early in their studies, was genuine belief that success within the legal profession would be based upon individual merit and determination. Advocates of merit see it as perfectly legitimate and are ignorant to the barriers working-class students' face (Auerbach, 1976). Such a view fails to recognise that lowly performance may be owing to something other than merit, for example a lack of cultural, social or even linguistic capital. Yet, even high performing working-class students often do not get far.

The merit myth also leads the privileged to believe that their success is based on their talent and ability, and leads them to overlook advantages they hold. Conversely students at a disadvantage, according to Bourdieu (1990), often believe their lack of success is due to a:

Lack of gifts or merits, because in matters of culture, absolute dispossession excludes awareness of being dispossessed.

(Bourdieu & Passeron, 1990, p. 421)

Bourdieu continues by saying a legal system that places prominence on attainment and symbolic esteem permits the middle classes:

To appear to be surrendering to a perfectly neutral authority the power of transmitting power from one generation to another, and thus to be renouncing the arbitrary privilege of the hereditary transmission of privileges.

(Bourdieu & Passeron, 1990, p. 167)

The alumni and students in the latter stages of their legal education at Middlebridge came to expect and accept their designated position within the legal profession as the natural outcome, with little contest. It would appear the structure of the legal profession will continue to be reproduced (or even further polarised) in its current form as long as such processes continue.

### **Action for change**

What follows are some suggestions that may be used to undo, at least to some extent, the institutional biases that yield cultural dispositions and allow established hierarchy in the legal profession and legal education to be reproduced. In the context of this research it is still worth considering what could be done, or at least imagine the possible effects of alternative methods of legal education and services.

The highest-ranking law schools find their homes in the most research-intensive universities (Sommerlad, et al., 2015). Traditional law degrees are offered and there is an expectation that graduates will find employment in the city based medium to large law firms and chambers (Ashley, 2010). The Research Excellence Framework is used for assessing the quality of research in UK higher education institutions. Scholarly work submitted for the REF is career building and used to progress a university's standing. However, universities like Middlebridge place an emphasis on being student-centred and providing students with employability skills, often at the expense of increased REF scores.

The elite institutions' obsession with REF rankings and the esteem it brings affords little time to the teaching of practical lawyer skills. Black letter law is the preference. Professional stage of training courses that 'ready' students for legal practice are left to lower-ranking institutions like Middlebridge or commercial organisations such as the College of Law or University of Law. For the elite law schools to offer the LPC or Bar they would have to forego some of their accumulated REF stature and potential. As evident in faculty interviews for this research, lower ranking law schools like Middlebridge place a greater emphasis on equipping their students with so-called employability skills. This lays the

foundations for a different type of graduate fight. One where law graduates from lower-ranking law schools compete with each other for the lower-ranking legal jobs based upon less prestigious law degrees, accumulated employability skills and less capital. As an alternative to being penalised for offering a non-traditional legal education, which only benefits the research-focused schools, the law ranking system should offer an alternative structure for status. Large law firms which influence the organisation of the law degree at elite educational establishments may soon have to rethink their *modus operandi* as students who have little concern for reverence or prestige, preferring flexibility and time, may pursue careers at smaller firms (Williams, 2015).

Within the context of this research, it would be possible to suggest Middlebridge Law School is part of the class reproduction system. However, to do so risks damaging the position of Middlebridge students. Perhaps we should shield students from the barriers they may face and allow them to have uninhibited enjoyment of their achievements. Yet to deny the truth to graduates of Middlebridge Law School would, it is averred, set them up to fail. In the interests of fairness, it is only fair that they are made aware of the forces working against them and that influence their place within the profession. By making students aware of barriers to entry, at the earliest opportunity, arguably students will benefit from a more holistic and well-informed approach to their chances of success. Whether that is cultivating and amassing new forms of capital to gain the best position possible within the field or adjusting their career journey to a path with less class-based bias. Ultimately, the students will have the choice as to whether to accept the myths that explain their place in the legal profession.

We make an important step forward by turning the focus on ourselves and analysing the ways in which we as academics may be contributing to the class biases of legal education and the legal profession. Future research may go further and identify pedagogical methods which can be used within law schools to ameliorate the reproduction of a student approach that allows stratification to continue in its current form within the legal profession. By making students more aware of the legal labour market and providing guidance as to negotiating entry, it may be possible to overcome some

of the barriers faced. Continued research and a critical evaluation of academic practices and pedagogies will also be essential to prevent a process continuing unchallenged that portrays itself as being unbiased when in reality it privileges the advantaged.

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**Appendix 1 MLP Year 1 interviewees** - *'An investigation in to the expectations, perceptions and experiences of working class law students: a case study of a new university'*

<u>Name</u>	<u>email</u>	<u>Ethnic origin</u>	<u>Age</u>

**Appendix 2 MLP Year 2 interviewees** - *'An investigation in to the expectations, perceptions and experiences of working class law students: a case study of a new university'*

<u>Name</u>	<u>email</u>	<u>Ethnic origin</u>	<u>Age</u>

**Appendix 3 MLP Year 3 interviewees** - *'An investigation in to the expectations, perceptions and experiences of working class law students: a case study of a new university'*

<u>Name</u>	<u>email</u>	<u>Ethnic origin</u>	<u>Age</u>

**Appendix 4 MLP Year 4 interviewees** - *'An investigation in to the expectations, perceptions and experiences of working class law students: a case study of a new university'*

<u>Name</u>	<u>email</u>	<u>Ethnic origin</u>	<u>Age</u>

## **Appendix 5**

### **Interview questions (Years 1 & 2)**

1. Why did you choose to study law? Why specifically did you choose the University of Middlebridge?
2. What are your expectations of a legal education at the University of Middlebridge?
3. Do you think that your legal education at the University of Middlebridge will adequately prepare you for success in the legal labour market?
4. Do you believe you will be successful in the legal labour market once your legal education at the University of Middlebridge has finished?
5. Are you aware that law firms discriminate on the basis of class when recruiting candidates from the legal labour market?
6. What social class do you consider yourself to be (Working-Class/Middle-Class)?

### **Interview questions (Years 3 & 4)**

1. Why did you choose to study law? Why specifically did you choose the University of Middlebridge?
2. What were your expectations of a legal education at the University of Middlebridge when you started your degree?
3. What are your expectations of the legal labour market?
4. Do you think that your legal education at the University of Middlebridge has/is adequately prepared/ing you for success in the legal labour market?
5. Are you aware that law firms discriminate on the basis of class when recruiting candidates from the legal labour market?
6. What social class do you consider yourself to be (Working-Class/Middle-Class)?

## **Appendix 6**

- Why do you believe working-class students choose Middlebridge University?
- In particular, why do you believe working-class students choose Middlebridge University for purposes of a legal education?
- Do working-class students have a realistic view of the expectations of a legal education at Middlebridge University?
- Do you perceive a relationship between working-class law student experiences and expectations of studying law at Middlebridge University?
- Do you believe the legal labour market discriminates against working-class law students?
- To what extent, if any, are the working-class law students at Middlebridge University aware of a class bias?
- Do you believe working-class law students have a realistic expectation of their chances within an over-supplied legal labour market?
- Does the experience of a legal education at Middlebridge University prepare adequately prepare working-class law students for success in the legal labour market and legal practice?

## **Appendix7**

### **Interview briefing MLP Years 1 and 2**

#### Overview of research

*The purpose of this research is to investigate the experiences and perceptions of working class students studying law in higher education at a new university. It will explore views of students and staff at a new university and those of former alumni who are now practicing within the legal profession.*

*The research will seek to answer four broad questions:*

- 1. Why have working class students chosen to study law at the new university in which the research is being undertaken?*
- 2. What are these students' expectations and experiences of studying law at a new university?*
- 3. What are their perceptions and expectations of their future careers?*
- 4. Did the experience of a legal education prepare working-class students for success in the legal labour market?*

#### **N.B**

***For the purpose of this research students are considered 'Working-Class' where their parents occupations fall within levels 3 – 14 on the The National Statistics Socio-economic Classification (NS-SEC rebased on the SOC2010) accessed on the 16<sup>th</sup> September 2013 at <http://www.ons.gov.uk/ons/guide-method/classifications/current-standard-classifications/soc2010/soc2010-volume-3-ns-sec--rebased-on-soc2010--user-manual/index.html#6>***

**Those involved in the study will be entitled to view any aspect of the text that refers to them and will have the right to withdraw or sensor any of the material. The opinions and views of the research participants will be considered throughout including suggestions and possible alterations. Should there be any differences between the research participants and me I will publish remarks and**

reproaches together with the text. Written and informed consent will be obtained from all those who participate in the research. They will be privy to the purpose of the research and have the opportunity to ask questions. Those participating in the research will be permitted to view transcribed data. Anonymity will be assured to the research participants, the new university and its law school.

### **Interview questions**

The following questions are a non-exhaustive list of questions that will guide the semi – structured interviews. The interviews are intended to take approximately 30 minutes. Your participation is greatly appreciated.

**Interview questions (Years 1 & 2)**

1. Why did you choose to study law? Why did you choose the University of Middlebridge?
2. What are your expectations of a legal education at the University of Middlebridge?
3. Do you think that your legal education at the University of Middlebridge will adequately prepare you for success in the legal labour market?
4. Do you think that law firms discriminate on the basis of class when recruiting candidates for training contracts or other roles within the firm?
5. What social class do you consider yourself to be (Working-Class/Middle-Class)? And why?

I hereby consent to be interviewed as part of this research. I also consent to the analysis and transcription of the interview for the sole purpose of this research.

Name:.....

Signed:.....

Dated:.....

## **Appendix 8**

### **Interview briefing MLP Years 1 and 2**

#### Overview of research

*The purpose of this research is to investigate the experiences and perceptions of working class students studying law in higher education at a new university. It will explore views of students and staff at a new university and those of former alumni who are now practicing within the legal profession.*

*The research will seek to answer four broad questions:*

- 1. Why have working class students chosen to study law at the new university in which the research is being undertaken?*
- 2. What are these students' expectations and experiences of studying law at a new university?*
- 3. What are their perceptions and expectations of their future careers?*
- 4. Did the experience of a legal education prepare working-class students for success in the legal labour market?*

#### **N.B**

***For the purpose of this research students are considered 'Working-Class' where their parents occupations fall within levels 3 – 14 on the The National Statistics Socio-economic Classification (NS-SEC rebased on the SOC2010) accessed on the 16<sup>th</sup> September 2013 at <http://www.ons.gov.uk/ons/guide-method/classifications/current-standard-classifications/soc2010/soc2010-volume-3-ns-sec--rebased-on-soc2010--user-manual/index.html#6>***

**Those involved in the study will be entitled to view any aspect of the text that refers to them and will have the right to withdraw or sensor any of the material. The opinions and views of the research participants will be considered throughout including suggestions and possible alterations. Should there be any differences between the research participants and me I will publish remarks and**

reproaches together with the text. Written and informed consent will be obtained from all those who participate in the research. They will be privy to the purpose of the research and have the opportunity to ask questions. Those participating in the research will be permitted to view transcribed data. Anonymity will be assured to the research participants, the new university and its law school.

### **Interview questions**

The following questions are a non-exhaustive list of questions that will guide the semi – structured interviews. The interviews are intended to take approximately 30 minutes. Your participation is greatly appreciated.

**Interview questions (Years 3 & 4)**

1. Why did you choose to study law? Why did you choose the University of Middlebridge?
2. What are your expectations of a legal education at the University of Middlebridge?
3. Do you think that your legal education at the University of Middlebridge will adequately prepare you for success in the legal labour market?
4. Do you think that law firms discriminate on the basis of class when recruiting candidates for training contracts or other roles within the firm?
5. What social class do you consider yourself to be (Working-Class/Middle-Class)? And why?

I hereby consent to be interviewed as part of this research. I also consent to the analysis and transcription of the interview for the sole purpose of this research.

Name:.....

Signed:.....

Dated:.....

## **Appendix 9**

### **Interview briefing MLP Staff**

Interview date: **18<sup>th</sup> September 2013**

Interviewer: Daniel Rahnavard

Room: BSG/28

#### Overview of research

*The purpose of this research is to investigate the experiences and perceptions of working class students studying law in higher education at a new university. It will explore views of students and staff at a new university and those of former alumni who are now practicing within the legal profession.*

*The research will seek to answer four broad questions:*

- 1. Why have working class students chosen to study law at the new university in which the research is being undertaken?*
- 2. What are these students' expectations and experiences of studying law at a new university?*
- 3. What are their perceptions and expectations of their future careers?*
- 4. Did the experience of a legal education prepare working-class students for success in the legal labour market?*

#### **N.B**

***For the purpose of this research students are considered 'Working-Class' where their parents occupations fall within levels 3 – 14 on the The National Statistics Socio-economic Classification (NS-SEC rebased on the SOC2010) accessed on the 16<sup>th</sup> September 2013 at <http://www.ons.gov.uk/ons/guide-method/classifications/current-standard-classifications/soc2010/soc2010-volume-3-ns-sec--rebased-on-soc2010--user-manual/index.html#6>***

Those involved in the study will be entitled to view any aspect of the text that refers to them and will have the right to withdraw or censor any of the material. The opinions and views of the research participants will be considered throughout including suggestions and possible alterations. Should there be any differences between the research participants and me I will publish remarks and reproaches together with the text. Written and informed consent will be obtained from all those who participate in the research. They will be privy to the purpose of the research and have the opportunity to ask questions. Those participating in the research will be permitted to view transcribed data. Anonymity will be assured to the research participants, the new university and its law school.

#### Interview questions

The following questions are a non-exhaustive list of questions that will guide the semi – structured interviews. The interviews are intended to take approximately 30 minutes. Your participation is greatly appreciated.

**Interview questions (Staff)**

1. Why do you think working-class students choose to study law?
2. Do you think that working-class students have a realistic view of the expectations of a legal education at Middlebridge University?
3. How do you think the expectations of studying law compare to the experiences of studying law (for working-class students)?
4. To what extent do you believe the legal labour market discriminates against working-class law students?
5. Do you think that working-class law students at Middlebridge University are aware of a class bias in the legal profession?
6. Do you think a legal education at Middlebridge University adequately prepares working-class law students for success in the legal labour market?

I hereby consent to be interviewed as part of this research. I also consent to the analysis and transcription of the interview for the sole purpose of this research.

Name:.....

Signed:.....

Dated:.....