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Symbolic demarcation: The role of status symbols in preserving inter-professional boundaries

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Abstract
Inter-professional demarcation is one of the key themes in the study of the professions. This study aims to understand the symbolic resources activated when an elite profession faces challenges to its task jurisdiction from a new, emerging profession. I attempt to answer the following question: "How are status symbols used to maintain jurisdictional boundaries between professions?" I analyzed ethnographic material concerning one of the most elite and ancient professions: Scottish advocates—known as barristers outside Scotland. I found that when faced with competition from other professions, advocates engaged in differentiation through the use of status symbols such as professional dress in and out of court, ceremonies and everyday rituals. I observed two concurrent processes of differentiation: the maintenance of stability of status symbols and the maintenance of mobility of status symbols, i.e. the ongoing cycle of imitation and avoidance which happens on the boundary of two competing professions. Building on the Simmel effect (1890), I argue that imitation and distinctiveness preserve professional differentiation, and that managing the stability of some symbols and the mobility of others allow elite professionals to maintain their superior status.

Keywords: differentiation, jurisdictional disputes, lawyers, professions, status symbols, symbolic demarcation.

In recent years the notion of boundaries in general, and symbolic boundaries in particular, has been applied to the study of various social phenomena. Maintenance of the social, symbolic, material, or temporal boundaries requires effort (Langley, Lindberg, Mørk, Nicolini, Raviola and Walter, 2019: 704) and it is essential for the maintenance of power relations within organizations, and in society (Phillips & Lawrence, 2012; Bucher, Chreim, Langley, & Reay, 2016). In the study of the professions, the concept of boundaries has been exceptionally useful, in fact, the notion of the profession is in itself a problem of demarcation (Abbott, 1981, 1988; Gieryn, 1983; Lamont & Molnar, 2002). Professions in general, and elite professions in particular often strive to preserve their "purity," which gives them superior status, and related privileges and benefits (Larson, 1977; Abbott, 1981; MacDonald, 1985; 1995; Washington and Zajac, 2005; Ozturk, Amis and Greenwood, 2016). They do so by drawing and reinforcing of jurisdictional boundaries among professions that allow professionals to maintain their share of rewards and exclude other related professions. Threats to professional status usually trigger resistance, especially in the case of the legal profession, which is known to be quick to repair damage done to its traditional status order (Micelotta & Washington, 2013).

By drawing jurisdictional boundaries, "a profession asks society to recognize its cognitive structure through exclusive rights" (Abbott, 1988, p. 59). Jurisdiction, according to Abbott, has not only a culture, but also a social structure. Abbott found that the rights claimed by a profession include monopoly of practice, self-discipline, control of recruitments, and training and control of licensing. Professions attempt to delineate their boundaries firmly and make them clear to the outside world, as inadequate differentiation between professions leads to overlaps and undermines jurisdictional boundaries. If reinforcement of the existing boundaries is not possible, "overlapping" professions need to reach a settlement in order to resolve their jurisdictional disputes. Abbott suggested some ways in which professions can do that: through subordination of one group to another; creating a division of labor; sharing an area of practice with other professions; giving one profession and advisory control over others; and dividing task jurisdiction according not to the content of work, but to the client. Abbott (1988) also suggested some ways in which professionals can delineate the boundaries and accentuate their exclusionary clarity—through dysfunctional monopolies, distinctions in dress and speech, and the maintenance of artificial educational distinctions. He noted that "superordinates" (the higher-level professions) in public hierarchies tend to emphasize clarity of jurisdictional boundaries vis-à-vis subordinates (i.e. the lower-level professions), whereas incumbents of subordinate professions stress the similarities between both professions (Abbott, 1988: 67).

A closer look at elite professions, particularly in stratified societies, indicates that other mechanisms are also used to draw jurisdictional boundaries—mechanisms that are usually less explicit and more difficult to identify. My intention in this study was to understand the symbolic resources activated when the formal mechanisms of preserving superior status begin to fail. I draw on the theoretical debate on the maintenance of jurisdictional boundaries, but in contrast to earlier studies, I specifically focus on the symbolic realm of the struggle to preserve superior status. Lamont and Molnar (2002: 168) define symbolic boundaries as 'conceptual distinction made by social actors to categorize objects, people, practices, and even time and space'. Symbolic boundaries separate individuals into groups and create a sense on inclusion and exclusion, often by employing a variety of symbols.

This study aims to understand the symbolic resources activated when an elite profession faces challenges to its task jurisdiction from a new, emerging profession. I attempt to answer the following question: "How are status symbols used to maintain jurisdictional boundaries between professions?" To answer my research questions, I focused on the legal profession, specifically one elite group—Scottish advocates—highly qualified lawyers who have a right to represent clients in the superior courts of Scotland. Their history goes back to 1532, when their professional body, The Faculty of Advocates, was formed, and since then advocates have been at the center of Scottish legal life. Advocates have a distinct professional identity and enjoy extremely high status compared with other related professionals in the Scottish legal system, including solicitors. Table 1 captures the basic divisions within the legal profession in Scotland, which is demarcated into the sub-professions of advocates, solicitor advocates, and solicitors. Additionally, and more of a worry to advocates, an emerging profession of solicitor advocates is challenging their task jurisdiction. The loss of absolute monopoly of practice—the loss of the exclusive right of audience before the judge in the high court—means that the advocates' share of court practice is diminishing, consequently reducing their earnings. Advocates must therefore delineate the boundaries and accentuate exclusionary clarity for the benefit of the public, other professions, and their own members.

The analysis of field material on Scottish advocates reveals that when faced with threat from other professions, advocates engaged in differentiation through the use of such status symbols as professional dress in and out of court, engagement in ceremonies, and everyday rituals. Great majority of these symbols are extremely old, and for centuries advocates protected them from appropriation by other professions. Their stability and unchangeability, intuitively, allows the professions to maintain their position of superiority, prestige, visibility and recognizability. Monarchs and their architects had a good understanding of how status symbols help preserve power (MacDonald, 1989; Siebert et. al 2017). A counter-intuitive finding in this study is that symbolic resources are not fixed, and are used in a more dynamic manner, that they are subject to the processes of imitation and avoidance. I observed two concurrent phenomena: the maintenance in stability of status symbols; and the maintenance in mobility in status symbols, which can be partly explained by the so-called Simmel effect (1890). I identify recursive circle of status symbols moving down from a higher profession to a lower one, and moving up to a higher one again as an explanation of the mobility of symbols as a way toward changeable differentiation.

Following the tradition of scholars such as Van Maanen (1991) and Bechky (2011) I use the concepts from the study of organizations and apply them to the study of professions. I begin this article by outlining the literature on status symbols in general, and then specifically on organizational and professional symbols such as professional dress, rituals and ceremonies. I then describe the methodology underpinning my study and proceed to the analysis of my field material.

Status symbols

The term symbol signifies an event, an object, or a relationship that conveys meaning (Pratt & Rafaeli, 1997). The study of symbols often draws on the body of research on materiality in organizations and focuses on how the artifacts and representations in organizations are created and used (Lawrence, 2004; Zbaracki, 1998; Bechky, 2008; Bechky, 2011). The broad perspective on the study of organizational symbolism includes examination of artifacts, hand gestures, non-verbal communication, pictures, metaphors, myths, stories, language, rituals, and rites (e.g. Goffman, 1951). Some argue that actions may also be considered to have symbolic functions (e.g., Bordia, Jones, Gallois, Callan, & DiFonzo, 2006; Dandridge, Mitroff, & Joyce, 1980; Islam & Zyphur, 2009) in the proper social contexts. Some researchers (e.g. Trice & Beyer, 1993) have preferred a narrower conception of organizational symbols as cultural forms: objects, settings and performers, with the first category—objects—usually being context specific.

For Goffman (1951) symbols are specialized ways of displaying one's position, i.e. the cues which determine the way in which a person is perceived by others. Goffman argued that status symbols visibly divide the social world into categories of people, and thus they help "maintain solidarity within a category and hostility between different categories". In contrast to status symbols, esteem symbols designate the performance of the person in their role which is in depended of their particular rank. Since an individual's status is never absolutely established (Rogers, 1980), in *The Presentation of the Self in Everyday Life* (1959) Goffman argued that to maintain status is not only to possess certain attributes, but also to maintain conduct and appearance of the particular group to which one belongs.

Dress is one "object" symbol that effectively communicates powerful messages to society. Sociological and management scholars ranging over time from Goffman (1959), Becker et al. (1961), Brickman (1974), Rafaeli and Pratt (1993); Pratt and Rafaeli, (1997),

Creed et al. (2002), Zott and Huy (2001), to Brown (2017) have acknowledged the importance of dress as a conspicuous symbol that reflects organizational processes leading to various outcomes. Rafaeli and Pratt's (1993) framework offers a neat way of conceptualizing dress in organizations. It contains dimensions in which comparisons can be drawn: attributes of dress (color, material, and style), homogeneity of dress (its similarity or difference), and conspicuousness of dress (the degree to which dress of organizational members stands out from nonmembers). The authors argued, for example, that complete homogeneity of dress enables deindividuation, as it hides individual differences among employees. According to their framework, dress is subject to extraorganizational influences (e.g. societal and institutional standards) and intraorganizational influences (values and structure). Dress also acts as an indicator of organizational processes and organizational acquiescence to the wider environment (national culture or the whole industry). Organizational dress may convey values inherent in organizational identity, but it can also transmit information about the structure of the organization and the division of labour within it—both functional (who does what) and hierarchical (who is superior to whom). Importantly, dress is an active agent in organizations, in that it affects behavioural outcomes by ensuring employee compliance and conferring legitimacy on employees in the eyes of outsiders.

Symbols are not only objects, and organizational researchers moved beyond single discrete symbols, and also examined the ways in which they operate together to create organizational outcomes. The vast body of research on organizational symbolism examines complex relationships between also metaphors, stories, myths, rites and rituals and ceremonies. The last two categories – rituals and ceremonies – are particularly pertinent to this study. They are usually more complex than the "objects" as they combine various forms of cultural expression: customary language, gestures, ritualized behaviours and other symbols and settings.

The early theorists of rites, rituals and ceremonials such as Van Gennep (1909/1960), Durkheim (1964), Turner (1969) focused on the notion of ritual as a way of negotiating between stability and change. They also acknowledged that societies have a need for differentiation, i.e. internal hierarchy in which individuals have different roles, while at the same time societies have a need for a bond among their members. Integrated through rituals and ceremonies communities reaffirm their sense of shared values. Rituals and ceremonials are discrete enactments that usually have a beginning and an end, and Islam and Zyphur (2009) define ritual action as 'a form of social action in which a group's values and identity are publicly demonstrated or enacted in a stylized manner, within the context of a specific occasion or event,' for example a graduation ceremony, a formal speech, or a dinner for new employees.

Differentiation through status symbols

In 1890, Simmel published *On Social Differentiation,* a volume focused specifically on the processes of social differentiation and human individuation. In it he outlined the major dimensions of his social theory (Ritzer, 2008; Scaff, 2011), laying foundations for his future work. Simmel maintained that humans are differentiating beings (*Unterschiedswesen*) who maintain their individuality in an attempt to set themselves apart from the masses, while adhering to the lifestyle of their social group (Simmel, 1890), thereby creating physical and social distance. Simmel's notion of distance helps the reader to understand such social processes and constructs as "domination and subordination," "the aristocrat," "the bourgeois," "secrecy," and "the stranger" (Frisby 1992, p. 107).

Central to the process of differentiation for Simmel were the concepts of "social level," imitation, similarity, and competition. At the social level, individuals develop common attributes within a particular social group; they become similar. On the one hand, similarity leads to competition, but on the other hand, competition between two groups produces similarities. Competition among individuals within the group, and between social groups is crucial to differentiation. This is why similarity is as important as difference—both are necessary to all external and internal development. As Simmel put it: "the history of humanity can be interpreted as the history of struggle and attempted reconciliation between similarity and difference" (cited in Frisby, 2002: 83).

Numerous activities in which individuals and groups engage are directed at the imitation of existing forms (Frisby, 2002). But the growing drive for differentiation causes individuals and groups to maximize distance from others—the so-called Simmel effect. In their computational study, Pendone and Conte (2001) defined the Simmel effect as "persistence of social differences under instability of status symbols, as an effect of imitation and distinctiveness" (Pendone and Conte 2001, p. 331). The Simmel effect means that agents minimize physical and social distance from higher-level fellows through imitation, while maximizing distance from lower-level fellows through avoidance.

Simmel (1895) suggested that imitation and distinctiveness preserve social differences. Through imitation, higher-level symbols are extended to the entire population by trickling down, thereby reducing differences. But as the higher-level symbols spread downwards, they are replaced with new ones at the upper levels. Thus distinctiveness acts in the opposite direction as the agents differentiate themselves from lower-level individuals and groups. According to Pendone and Conte (2001), the two rules combine to produce the following effects: (1) symbols spread and soon die, and (2) hierarchically homogeneous groups emerge, thereby maintaining the social differences. Pendone and Conte offered the following interpretation of Simmel's idea: "Under the mobility of status symbols, social hierarchy is preserved as status symbols become extinct as soon as they replicate themselves" (2001, p. 151)

The Simmel effect opens the possibility of social segregation and implies that social agents are ruled not only by imitation, but also by distinctiveness (Pendone and Conte, 2001; Krawczyk et al., 2014). One of the most effective mechanisms for differentiation is fashion, because of its ever-increasing turnover time (Frisby 1992, p. 126). Fashion encourages imitation and "social dependency," while offering "changeable differentiation" (p. 84). The changeability of differentiation is key, because it allows for the operation of the Simmel effect—a constant and dynamic process of imitation and avoidance.

Empirical context

Advocates, in other English-speaking countries known as barristers, are highly qualified legal professionals who represent clients in the superior courts of law in Scotland. They have a distinctive professional identity, and they remain a professionally separate body—the Faculty of Advocates, which to this day remains a powerful legal, political, and social elite in Scotland (Savage, et al., 2013). Their history dates back to 1532, when the Faculty was formed, and advocates have since been at the center of Scottish legal life.

Advocates are members of an ancient profession, deeply embedded in tradition. Many practices associated with being an advocate are unique, or even quirky: professional dress, rituals, ceremonies, forms of address, and etiquette. These traditions and practices set advocates apart from other groups within the legal profession. The

Faculty of Advocates is a self-regulating organization led by the Dean, who is elected by the entire membership. It comprises some 450 independent, self-employed individuals—advocates and more experienced QCs (members of the Queen's Counsel—senior lawyers in Commonwealth countries who are appointed to be one of "Her Majesty's Counsel learned in the law"). The first women joined the Faculty in the 1950s, and the current practicing Bar includes an increasing proportion of women. In contrast to solicitors or solicitor advocates, advocates are independent and free from corporate pressures and accountability for time spent on cases. They see often see themselves as working for the public interest, by working for the Crown.

Trainee advocates are called devils. As a condition of becoming a devil, a lawyer is required to give up paid employment and membership of the Law Society of Scotland, a symbolic act of leaving behind previously earned professional status, and accepting the role of a pupil, called a devil, to the mentor, called a devilmaster. Despite the historical legacy of elitism, advocates face some threats to their elite status mainly because of the socio-economic changes in society in general and specifically in the Scottish legal system. Primarily, these threats stem from inter-professional rivalries. Any changes to the established status order trigger intra-professional rivalries, which are particularly evident in the case of advocates who perceive threats from other lower-level professions—solicitor advocates or solicitors.

To understand the nature of these rivalries, it is necessary to explain the hierarchy of the Scottish legal system and the functions played by the distinct sub-professions within this system (Table 1). Judges and sheriffs, who are appointed by the Queen on the recommendation of the First Minister and the Judicial Appointments Board for Scotland, in consultation with the Lord President, occupy the highest position in the legal system. They must have qualified as an advocate or solicitor. *Advocates* constitute the level below judges, but their link with the judiciary is strong. To this day, membership of the Faculty remains the main entry route to judgeship. The power to prosecute is also reserved for advocates, who constitute the Crown Office. When in court, advocates wear wigs and gowns.

Insert table 1 about here

Below the advocate is a relatively new professional—the *solicitor advocate*. The recent trend toward the democratization of legal services triggered the government's move toward extending the rights of solicitors who are not advocates to appear in the supreme courts (Thomson Review, 2010). Solicitors traditionally represented clients in Sheriff Courts, whereas advocates had the right of audience in the Court of Session. With the changes in Scottish legal system over the last ten years, solicitors can qualify as solicitor advocates and can represent their clients in higher courts—a new trend that poses a threat to the business of advocates. These changes significantly reduced advocates' earnings and threatened their symbolic privileges, as the emerging group of lawyers—solicitor advocates—are now entitled to represent clients in some courts. These changes also affect intra-professional status hierarchies, giving more prominence to lower levels of the Scottish legal profession (Ozturk, et al. 2016). The threat was made even more conspicuous with the Gill Review, a Scottish Government Bill passed in 2014 to comprehensively reform the court system. The bill introduced two new courts, increased the threshold of the Sheriff Court's handling of cases from GBP 5,000 to 100,000 and introduced a requirement that advocates must obtain the permission of judges in order to represent clients in court.

Solicitor advocates are not part of the Faculty of Advocates and do not wear wigs and gowns in line with solicitors. *Solicitors*, who occupy a place below solicitor advocates in the hierarchy, represent clients and instruct advocates, but typically have no right of audience in court; they do not speak in front of the judge. Given these changes, it is important to understand how advocates strive to protect their share of resources and maintain their elite status among other related professions and the general public.

METHODS

This research followed the principles of interpretive ethnography (Denzin, 2001) and included observations of organizational practices, semi-structured interviews with members of the advocate profession, and casual conversations with them during my field work.

Data sources

Before commencing my fieldwork, I received ethics approval from my host institution and written permission from the Faculty of Advocates (issued by the Dean of the Faculty), on the basis of which I had free access to Parliament House in Edinburgh, where the advocates are based, and to the adjacent spaces. My role as researcher was that of the participant-as-observer; I had full permission to observe the practices, but I was not a member of the community. I therefore adopted the role of a naïve stranger (Simmel, 1908), asking participants for explanations about what was happening, seeking clarification, and inviting reflections from the participants.

The fieldwork was conducted, with breaks, over a period of 18 months. Altogether, I spent approximately 110 days observing advocate practice, during which time I generated over 200 pages of field notes. I developed an observation schedule, which included categories relating to the symbols, artifacts, rituals, and ceremonies.

Along with collecting material through observation, I conducted 43 semi-structured interviews with devils, devilmasters, advocates, QCs, and office bearers (elected positions of authority such as Dean or Treasurer). The interviews lasted between 30 minutes and 2 hours, and were audio recorded with participants' consent, and subsequently transcribed. A breakdown of the interviews is provided in Table 2.

Insert Table 2 about here

The interviews were divided into four categories. The first 12 were conducted with the devils during the foundation course at the beginning of the devilling process. My questions focused on what attracted them to the profession, their expectations of devilling, and their perceptions of the position of advocates in the Scottish legal system. The same 12 individuals were interviewed again 18 months later, when they were all practicing advocates, having completed their devilling and having successfully passed their advocacy exams. I asked questions related to their evaluation of devilling and their reflections on the process of becoming an advocate, including the role of history and traditions. I asked how they acquired their advocacy skills, how they learned about the customs and traditions, and how they learned the unspoken rules of the profession.

The remaining two stakeholder groups I interviewed were 5 experienced advocates/expert informants and office bearers, and 14 devilmasters. (A colleague who was involved in this project for a time conducted 9 of these interviews.) Before I focused on the role of professional status symbols in symbolic demarcation, I started the whole

project with a puzzle – why does a profession which is under pressure to change and modernize maintain some anachronistic practices? Advocates are often accused of staying behind the times, both in the ways of working and in their striking old-fashioned look, and I asked questions related to this puzzle. The questions included: What do you see is the role of the professional dress of counsel (in and out of court, senior/junior) and ceremonies (admission ceremonies, anniversary meetings, start of legal year)? Does the Faculty preserve these symbols of the profession? If so, why do you think it does this? Do new advocates embrace and sustain these symbols/traditions? If so, how and why? How do devils learn to differentiate themselves from other legal professionals? How do devils learn about the etiquette and the tacit rules of the profession? What attributes does the Faculty expect in those presenting themselves as devils? Are there tacit behavioral rules in being an advocate? If so, what are they and how are they disseminated?

Access to all interviewees was secured through the Faculty of Advocates; I was provided with lists of all advocates, QCs, office bearers, and lawyers undertaking devilling in that year. At the time, women constituted approximately 30 per cent of the profession, and my sample reflected this balance. All interviews took place in and around Parliament House in Edinburgh, where the Faculty of Advocates is based or in my office at the University of Glasgow.

Data analysis

Relying on my own experiences of the research setting (Siebert et. al 2017) allowed me to move beyond the "truth claims" emerging from what the participants chose to say in the interviews (Denzin, 2001; Jarzabkowski et al. 2014). In an attempt to capture my experiences and build a body of ethnographic data as a source of evidence, I created composite narratives more conceptually generalizable in revealing the patterns and process narratives, capturing the unfolding and temporal nature of events. My focus on differentiation led me to adopt an approach based on analytical induction (Langley, 1999; Suddaby, 2006). Following the principles of ethnographic inquiry during my observations, I made thick descriptions (Geertz, 1973) of the practices and individual reactions and noted their reflections and my own. During the analysis stage, as per the recommendations of Miles and Huberman (1994), I engaged in iterative reading and re-reading of the material: over 200 pages of field notes and interview transcripts and the literature on professional differentiation and status symbols.

The analysis involved a generation of codes and themes (Gioia, Corley and Hamilton, 2013). In the first stage of the analysis, I coded the interview transcripts and observation notes for references to the symbols, artefacts, rituals, and ceremonies, identifying recurring categories through a reading and re-reading of the interview scripts and observation notes. Examples of codes included references to professional dress in court (gowns and wigs) and out of court, everyday practices, such as robing, and etiquette. A prominent theme that emerged from the analysis related to ceremonies and an assessment of the value of participating in those ceremonies. I codified these references and grouped them into five categories: (1) professional dress in court, (2) professional dress out of court, (3) ceremonies, and (4) everyday rituals.

In the second round of the analysis, I reviewed the references with a view to identifying evaluative statements, asking whether the participants were displaying positive or negative evaluations of the symbols, looking for ways in which advocates and devils account for professional symbols and whether they construe them in positive or negative terms. I also analyzed the statements with reference to the exogenous pressures for change and competition from other professions. Wherever possible, I looked at

longitudinal comparisons made by participants—reflections of symbols and practices changing or remaining stable over time. The changing nature of practices was more conspicuous in the interviews of older and more experienced participants, though the younger ones also made references to changing practices not experienced first-hand.

Based on the two-stage analysis of the codes, I identified some emerging patterns (Glaser and Strauss 1967; Strauss and Corbin, 1998). Other professions imitated some but not all of the status symbols. In some cases, the process of imitation triggered the process of avoidance; the imitated symbols were replaced with others. Some symbols were not imitated at all, although individuals from within the profession sometimes challenged them. An analysis of the processes of imitation, avoidance, and replacement suggested that some symbols and practices appeared to remain stable over time, whereas others kept changing. This conclusion allowed me to identify two broad processes underpinning my theorization, captured in Table 3: stability of professional status symbols and mobility of status symbols. I then linked the general themes that emerged from the data to more general constructs from the literature on symbolic boundaries.

FINDINGS

This section presents the findings, drawing on two data sources: interviews and field notes. Before discussing the theoretical dimensions emerging from my study, I organize my findings around the theoretical constructs emerging from the analysis: how symbols are used in making jurisdictional claims, alienation through professional symbols, the use of symbolic capital in rituals and ceremonies, and an ongoing circle of imitation and avoidance. Within these subsections I focus on the above mentioned main categories of status symbols. Throughout the analysis, I accentuate the ways in which the advocates use status symbols to reinforce jurisdictional boundaries. Additional illustrative data are included in Table 3.

Jurisdictional claims: "It's not a job; it's a way of life"

The feeling of uniqueness and the need for preserving the uniqueness recurred throughout the study. Advocates define themselves by their unique expertise, traditionalism, high status, and sense of professional elitism. These characteristics seem prominent only in relation to other professions. Indeed, the need for differentiation was one of the most striking characteristics of the advocates I studied, and was pronounced in the field material. They stressed that being an advocate is "not a job; it's a way of life." This way of life attracts some individuals to the world of advocacy, and puts others off. At the beginning of his training, one devil emphasized the differences with other professions: "We are different, it's another way of life, I don't think there's any other job which is so different as being an advocate. (…) It's a very different lifestyle, work-wise, social-wise, time-wise, flexibility-wise, uncertainty-wise." Another devil echoed the same sentiment: "It's more just a way of life and a way of conducting yourself."

When discussing the nature of their profession, many advocates evoked the notion of the other—in this case, solicitors or solicitor advocates. In contrast to these two groups, advocates are independent and free from corporate pressures and accountability for time spent on cases. Solicitors, on the other hand, are said to be under constant pressure to bill their clients—a commercial pressure that does not allow them to do their job properly. An advocate, on the other hand is said to have "independence of spirit," which a non-commercial relationship with the client offers. Advocates may not have a direct commercial relationship with the client, but they do charge fees, either through solicitors or from legal aid. They see themselves as working for the public interest.

One advocate commented on the collegial spirit shared by the profession. Advocates are in an adversarial relationship with each other inside the courtroom; but outside the courtroom they are friends and they are said to support one another. A critical element of this relationship is trust, which is symbolically captured by the tradition of the advocates not shaking hands with each other. Shaking hands is normally a signal of openness and demonstration of being unarmed. Because advocates trust each other as a matter of principle, they do not need to shake hands. One advocate I spoke to returned to the theme of trust, which "lubricates the legal wheels" in settling cases.

The impending threat from solicitors and solicitor advocates was a recurring theme in the field material. This threat became even more conspicuous when advocates admitted the similarity between their roles and the roles of other legal professionals. As one advocate said: "There's very little advocates do that nobody else does or that nobody else can do. Even in terms of the code of conduct, there'd be nothing to stop a solicitor applying the same standards to their behavior." The same person suggested that solicitors with an extensive experience of court work may be as competent to handle a case as an advocate is—especially an inexperienced advocate. In light of this impending threat, one devil emphasized that in his view, advocates do not differentiate themselves enough and that they need to show how they add value: "Historically the attitude has been 'Oh, we're advocates. We're better' (…) The Faculty needs to sit down and think about (…) how it differentiates itself from the solicitor side of the profession, just explain why it adds value."

Differentiation or alienation?

When the superiority of the profession is challenged, the need to stress the uniqueness becomes important (Abbott, 1988). Professional dress is one of the most striking ways of differentiating advocates from other professions and from the general public. The need to "look different" is linked to the economic advantage: One must look the part in order to charge a handsome fee. As one advocate said of the need to present a certain image to solicitors and potential clients: "You are expected to behave in a certain way. (…) Solicitors and, to a degree, clients expect you to behave in a certain way as well. That's what you're getting their money for."

In assessing the social and professional status of advocates, and related symbols, it is important to discuss how the profession fits into the fabric of Scottish society. In its historical origins advocates in Scotland constituted a small group of individuals who had access to the superior courts, and provided specialized services to wealthy property owners who required access to these courts. Over time, however, the Scottish advocates consolidated an elite position in Scottish law, and Scottish society in general. They monopolized judicial appointments, i.e. advocacy was the main route to becoming a judge, and supplied recruits to the governing elite in a political system operated by king and notables drawn from a few wealthy landholding families, which further emphasizes their social and economic standing. The proximity to the ruling elites in the past is reflected in the style of the professional dress today, with the advocates' gowns being not unlike the monarch's gowns in the 17th century.

The profession's distinctiveness requirement is most evident in the professional dress in court. The court gear for a male advocate consists of a wig, a gown, white shirt with wing collar and white bow tie, black waistcoat (vest), tailcoat, and striped or dark grey morning trousers and black shoes. A female advocate wears a wig, black gown, wing collar and white fall, court coat and waistcoat, striped or dark grey trousers and black shoes. The wig and gown score high on the conspicuousness scale (Rafaeli & Pratt, 1993)

and are the most recognizable symbols of the profession visually setting advocates apart from non-advocates.

Insert Image 1 about here

The tradition of wearing a wig goes back to the 17th century, when lice were a problem, and members of the gentry shaved their heads and wore wigs. Most importantly, in those times, the wig was a mark of gentility and was essential wear for polite society in the times of King Charles II. Today a wig differentiates advocates from solicitors and solicitor-advocates, but it is also is a sign of respectability. Allegedly, the presence of a wigged advocate makes witnesses "much more respectful," and one advocate claimed without a hint of irony that the sight of a wigged advocate witnesses in court "understand that they have to be truthful, honest, careful, responsible as well."

Tongue in cheek, one advocate said that "the wig and gown are a great saving, because they cover a multitude of things," such as sloppy clothing underneath or a bad haircut. And then on a more serious note, he pointed toward another aspect of the wig: It offers a "wonderful disguise" that gives advocates a degree of depersonalization, which is needed in court: "After all we'll dealing with people's liberties (…). It's no laughing matter if you're sitting in the dock. So I think the dress has these advantages. But above all, it underlines the formality of the court." The same advocate later evoked the seriousness of the situation by emphasizing the "life or death" nature of the verdicts made in court: "There is nothing more important than a congregation of us getting together to decide whether somebody lives or dies. Those days are past, but life imprisonment is a sort of death too, so let us keep the formality of it."

But the wig also offers a disguise from disgruntled members of the public, witnesses, or even the accused, as one advocate illustrated:

> It is also a disguise. In some courts we share the same queue to be fed as the general public. Now it sounds snobbish to suggest that we shouldn't, but if I've just cross-examined someone who's accusing my client of rape, and I'm suggesting to her that she was a willing participant, I don't want to be standing next to her or her father. (…) It has happened, but I've had a wig. If I had my wig off, she just wouldn't have recognized me at all.

Generally, the topic of professional dress evoked strong emotions. Some advocates defended the wig and gown as a powerful brand. Together they form a "badge of trade" or "a badge of office." "It's a trading mark that we have that differentiates us from solicitor advocates." Wigs and gowns are seen to serve another purpose—because of their homogeneity, they help maintain equality in the profession. In one advocate's view, the professional dress helps maintain parity between male and female advocates and between advocates and each of the lawyers of different status in the Faculty:

> I don't like people drawing a distinction between women advocates and male advocates, I think we all do a job, but I think for women it's actually particularly useful because it puts everybody automatically on an equal footing. You know that is really important. So it's anonymity, equality… You are the officer of the court, it's a role, and you step into that role.

Strong defenses of the symbol could be heard. Some argued that the fact that the professional dress is dated "is not enough reason to ditch it," and support for maintaining these symbols of the profession was overwhelming. Those who spoke strongly in favor of them often used the need for differentiation from the solicitors as the main rationale. But not everybody shared this view, and some voices of dissent could be heard in the Faculty. Some advocates recalled a time when a senior QC appeared in court without a wig, triggering a discussion and leading to a vote within the Faculty. The advocates were reported to be overwhelmingly in favor of keeping wigs and gowns. It was the younger and more junior members of the profession who were most strongly in favor of maintaining this symbol of the profession, as these symbols were part of their attraction to the profession: "Part of the appeal of coming to the Bar is that you can parade around in a wig and a gown." On the flip side, rather than being an attraction, these symbols put some people off.

Some advocates recognized the differentiating function of the professional dress in court, but questioned its practicality, admitting that it is "slightly ridiculous" and suggesting that it will soon become "a relic of the past": "There doesn't really seem to be a sensible justification for it, other than 'that's just how it's always been'," as one advocate said. There were a few voices strongly arguing against this tradition. One new advocate claimed that the professional dress "alienates" rather than "differentiates" the advocates:

> Either by accident or design it alienates us from the people who we are there to serve, the paying client, the solicitor… And I don't really know if the clients have got any less or more respect for you because you come out and you've got a black gown on and a silly wig on the top of your head.

The theme of alienation appeared in another account. One devil said that all [the professional dress] does is "to make you seem more detached from the rest of humanity and I don't think that's a particularly helpful thing." The enchantment with the professional dress in court and its alienating power ran parallel to each other in interviews and casual conversations with devils.

Status symbols such as professional dress reveal a complex web of intra-professional relationships, but they are also used to manage these relationships. Such symbols resonated with Goffman's (1951) observation that some status symbols were not about protection from forgery by legal sanctions, but about marking off prestige and power. In some accounts the enchantment with the court dress was part of the attraction to the profession, and indeed a marker of prestige.

Symbolic capital: Pomp and circumstance

The advocate profession is rich in cultural capital, and the ceremonial life is an integral part of this cultural capital. The rituals and ceremonies that advocates engaged in resonate with Trice and Beyer's (1993) "rites of enhancement" as they serve as public embellishments of commendable behaviour, but also "rites of renewal" as they have a stabilizing function within the profession. Especially the rites of renewal help reproduce accepted values over time (Trice & Beyer,1993). Professional ceremonies, as rites of enhancement and rites of renewal give the profession formality, especially in a small jurisdiction such as Scotland. The ceremonies are firmly embedded in the broader cultural context of Scottish social life and constitute a critical part of the legal year. Some resonate with the rituals associated with such court proceedings as the ceremony elevating an

advocate to judgeship, and others have a certain religious ambiance surrounding them—especially when they occur in a church or a cathedral or at the beginning of the legal year.

The Admission Ceremony occurs twice a year and marks the acceptance into the body of the Faculty of the "intrant" (an antique word, favored by the Faculty, meaning "one who enters"); it involves signing the court petition to be admitted to the Bar. The ceremony begins in the Reading Room in the Library, followed by a walk to the courtroom, where a live case is being heard and where the presiding judge administers the Declaration of Allegiance: an oath to the Queen. The intrant then signs the parchment and dons the wig and gown. The Admission Ceremony is one of the most important points in the advocate's career, and one senior advocate suggested that simply "getting a certificate would seem a bit anticlimactic":

> When you call [i.e. become advocate], it's all about you; it's not about the university giving you a diploma; it's about you. There's only six of you. You have a little spiel read out about you, so everyone knows who you are, what you've done, what your qualifications are, the fact, you know, you've passed all your exams here, and the fact that your devilmaster has signed you off etc. (…) That is the kind of threshold that you're crossing, so I'm all for all the pomp and ceremony that goes along with it.

"Rites of integration" as classified by Trice and Beyer (1993) are also evident in my data, and they appear to work to establish an emotional unity or community bond. The struggles for maintenance of symbolic status are visible in the opening of the legal year ceremony, also referred to as Kirking the Court. During this ceremony, which takes place every year in September, judges, sheriffs, and advocates walk through the streets of Edinburgh from the Supreme Court to St Giles' Cathedral where they are blessed for the new legal session. Some advocates referred to the controversy surrounding the order of the professions walking in the procession. That year the sheriffs attempted to change the pecking order of the profession by processing immediately after the judges, the place normally reserved for advocates. Sheriffs threatened to boycott the ceremony as they argued that they are higher in the legal hierarchy than advocates. Lord Advocate (the Head of Scottish Judiciary) made a "difficult decision" to preserve the traditional status order, with advocates being allowed to follow the judges and walking before the sheriffs. In protest against this traditional status order, the sheriffs boycotted the procession, although only other lawyers noticed the boycott.

Although most advocates spoke highly of the start of the legal year ceremony as a powerful symbol of the status order, one devil expressed his skepticism:

> It was a bit bizarre. I'm not a churchgoer; I'm not remotely religious, so that side of it I could actually do without. I went because you have to go. If you are there, you need to get wigged and gowned unless you want to incur the wrath of I don't know who. So I went because I was there and got wigged and gowned and that element of the ceremony I'm not that fussed about. You sort of traipse round in a line to St Giles. It's a beautiful cathedral, and I like going into it, and it is quite novel walking into a cathedral in your wig and your gown. But I don't imagine (…) I'm here next year [laughs].

In contrast to the majority of advocates who seemed enchanted by ceremonies, some advocates were critical of them, because they evoked the elitist aspects of the Scottish society. One newly admitted advocate was quite harsh in his assessment:

> I've never been to public school and I never did my national service, but if you were being a cynic, you would say that's what it's a product of. We've all got a uniform that we're all supposed to wear, there are bits of the library that we're allowed to sit in and not sit in. And bluntly, it's all a pile of rubbish as far as I'm concerned.

Such harsh assessments were rare, and the more general point is that the vast majority of devils and advocates saw these symbols of the profession in a positive light, or at least as "harmless."

Everyday performances

Ceremonies are grand and spectacular, but the everyday practice of advocates also involves a range of everyday rituals. Some rituals are "visible"—can be observed by the public—the practice of walking up and down Parliament Hall during conversations, for example. Other rituals are extremely private and not known to people outside the profession. One such example is the robing ritual, during which a dedicated member of staff helps an advocate to dress in the Robing Room. Some advocates, especially older advocates, enjoyed the robing service and saw it as a right earned through their seniority, but some younger advocates I spoke to felt uncomfortable about "being helped to dress."

One of the most anachronistic aspects of the advocate's way of life relates to carrying bags outside the courtroom. Advocates are not supposed to carry bags; they are expected and required to use the bag service—a daily delivery of court papers in an embroidered velvet bag to advocates' homes. A senior advocate reminisced that "in his time" an advocate was expected to carry "an umbrella and a sense of self-importance." One anecdote has it that even recently, some advocates were known to have been reprimanded by the Dean for being seen carrying a plastic bag, although my observation indicates that this rule is gradually being relaxed.

Symbolic of the status of the profession are not only things that advocates do, but also the things they do *not* do. They do not shake hands with each other, for example. Advocates are in an adversarial relationship with each other inside the courtroom; but outside the courtroom they are friends, and they are said to support one another. A critical element of this relationship is trust, which is symbolically captured by the tradition of the advocates not shaking hands. Shaking hands is normally a signal of openness and demonstration of being unarmed, and because advocates trust each other as a matter of principle, they do not need to shake hands—a symbol of collegiality largely invisible to those outside of the profession. One advocate I spoke to returned to the theme of trust, which "lubricates the legal wheels" in settling cases:

> You fight hard within the four walls of the court, but you've got to remember that these are your friends and colleagues, and once you leave, you leave everything at the door, and you go and have a glass of wine together. It is probably a reflection of a wider level of collegiate spirit between [members of] the Bar, which I think probably lubricates the legal wheels much more than is perhaps appreciated. You'll see, for example, when negotiations are going on for settlement of cases, counsel will generally talk to each other *outwith* [a Scottish term meaning "outside of"] the presence of either their agents or their clients.

In 2012, the rule of not shaking hands with other advocates was tested and broken during a Catholic funeral during which shaking hands with other members of the community is extending the sign of peace. After some hesitation, participating advocates were reported to have honored the religious ritual and shaken hands, allegedly for the first time in 500 years!

Most of these everyday rituals are reserved for advocates and solicitor advocates do not attempt to imitate them. They are examples of symbols that do not trickle down to the rest of the profession; hence, despite scepticism within the profession, they are maintained.

An ongoing circle of imitation and avoidance

In the earlier sections I analysed the operation of status symbols that are relatively stable. The advocates largely focus their efforts on maintaining these symbols, fending off the challenges from inside of the profession, and preventing appropriation by other professions. Professional dress analysed in by prior researchers (e.g. Pratt and Rafaeli, 1997) was usually simple though carrying complex meanings of culture and identity. The dress analysed here was far from simple, and as well carrying the meaning of culture and identity, it also revealed a great deal about inter-professional relationships and is a medium for demarcating boundaries. The dress code out of court is formal; advocates wear business dress and should always be ready to change into court gear to make an appearance in court. An "advocate is always at work," I was told, even outside of Parliament House. And advocates were definitely quick to criticize each other about their dress in and out of court. "I feel quite strongly that when you are out of court, you are still conducting yourself professionally. (…) You should dress appropriately for business." The Dean sanctions this level of decorum regarding the clothing worn in the Faculty; it relates to an all-round "polished performance": the shiny shoes, the smart tie, and the smart suit:

> There is an expectation that they are paying for a polished performance at the end of the day, and part of that polish goes onto your shoes [laughs] (…) You dress for the job you want, not the job you're in. I think there's a bit of that. You are portraying an image at the end of the day. That's our job, is to portray a position (…) Well, it's the guy in the shiny shoes and the smart tie and the smart suit because he must be doing something right [laughs].

In-group self-surveillance and self-discipline was at play throughout the period of devilling, and dress code played an important is a factor in colleagues' judgments about their colleagues' professionalism. The devils I observed criticized one another for forgetting to button up the jacket when speaking (in the case of male devils), or wearing the wrong color of hosiery (for females). Some harsh judgements were made about the quality of the suit. One advocate referred to inappropriately dressed female advocates outside of the courtroom:

> What I don't approve of is when the junior advocates start to wear very provocative revealing clothing or something that would be more appropriate for going out. Then you are not actually dressing with dignity and with your profession. You are trying to show that you are sexy, attractive, but that's not what it's about. You are there to fulfill a role, a professional role, so you should conduct

> yourself. (…) You can dress trendily, you can dress fashionably, but I don't think you should be dressing provocatively.

One advocate argued that it is peer pressure and not the promulgations by office holders that have disciplining function creating an ethos that physical presentation is important – and that by being smart and presentable, advocates might be readily distinguished from solicitor-advocates. He illustrated the disciplining role of collegial quips:

> If I nip into the High Court to pick up mail while attired in only casual clothes, some colleague will invariably make an irritating joke about it – which they will profess not to really mean, but they do. As they might also do so even if I were still wearing a regular business suit, but in the poor morning light had inadvertently donned navy socks.

Ordinary business suits will not suffice; good suits (chalk, needle, pin-striped) sharply-pressed matter. Unpolished shoes will not go unremarked, and slip-on shoes are disapproved. Cufflinks also tend to be worn by advocates and not solicitor-advocates – and, importantly, only with double-cuff shirts. Wearing cufflinks, a double-cuff shirt and freshly polished shoes are said to differentiate advocates from solicitor-advocates.

One advocate insisted on the importance of the dress: "If you are dressed to do the job, it means that you can do the job." Advocates have always been expected to dress smartly, which is said to be consistent with notions of the pursuit of excellence. Even when given the freedom to wear what they want on Mondays, advocates tend not to use this freedom, and nowadays every day of the week they wear "blacks" (a black jacket, pinstriped trousers and shirts with detachable collars), a black suit, a black dress, or a black and white dress. Despite the emphasis on impeccable dress style reiterated in the internal memos from the Dean, not all dress I observed was impeccable, and some advocates' gear was in a state of disrepair, a sign of eccentricity rather than neglect.

Surprisingly the theme of advocates' fashion was recurring frequently in my field notes. Those advocates who advocated the abandonment of a discussion about clothing and suggested a focus on substantive business were in minority. Differentiation was important for them as well, but they argued that differentiation should be about adding value, not about professional symbols.

Although the profession puts considerable effort into addressing gender inequality, female advocates and female devils appear to be judged more harshly than men. There are fewer rules about what constitutes "respectable" dress code for a woman, and it is often a matter of judgement by more or less conservative colleagues. Anecdotally, red nail varnish is more "acceptable" than darker colors (such as purple or brown), and hosiery should be skin color rather than black. These numerous tensions around female advocates' clothing reveal some conflictual situations which might be indicative of advocates being historically a male profession.

As much as the professional dress inside the courtroom has largely remained unchanged over the centuries, surprisingly, the dress code outside the court constantly changes. Throughout my research several advocates who mentioned that years ago an advocate would be expected to wear blacks (which was described to me as "Victorian man about town look"), but solicitor advocates have now appropriated blacks as their professional symbol. One advocate commented:

> I'm a bad example today, as I'm not wearing the black pinstriped trousers, black jacket, et cetera, which is how you would previously know an advocate if he was walking up the street in Edinburgh. If you saw them walking up the street and if they had the black jacket and the pinstriped trousers on, they were either an undertaker or an advocate. If they had a bowler hat, they were a judge. But nowadays solicitor advocates who appear particularly in the High Court tend to wear the blacks, which is what advocates wear, so it's more difficult to differentiate yourself.

This quote exemplifies the solicitor advocates' imitation of advocates, which causes anxiety among advocates and triggers a counter-reaction: In order to differentiate themselves, advocates abandon the symbols of the profession and replace them with new symbols. The story of the changing dress code neatly illustrates this process that I observed in the research field, and which Simmel (1890) explains in his essay on differentiation. A few advocates, especially more senior ones, reported that twenty years ago the dress code for a male advocate outside the courtroom was what blacks. When this dress code was imitated by solicitors, the majority of advocates changed their dress to standard business black suit. However, when solicitors began to move away from pinstriped suits, and adopted black suits as their dress, advocates began to return to pinstriped suits. One QC explained that the Dean encouraged this change:

> Though interestingly, just in the last month, the Dean has been talking about encouraging people to appear in blacks again, to start wearing them again. Why? Because we're in a sort of competitive situation with solicitor advocates, and we want to look different from them. And in fact (…) if you go into the High Court, the Criminal Courts, if you see some of [solicitor advocates] wearing blacks. It's rather strange that solicitor advocates doing crime seem to want the sort of status of wearing blacks, where we don't.

The Dean's encouragement to wear blacks suggests that there were some policy interventions to regulate what advocates wear outside of work. And even though "things are becoming a bit more relaxed," the interviews and observations revealed the dynamic nature of the symbols. The symbols—such as clothing outside the courtroom—keep changing, and the changes are usually driven by the need to differentiate the profession from others. Recently, some signs of reversion to business suits have been observed further accentuating the cyclic nature of professional dress.

DISCUSSION

In his seminal study of professions, Abbott (1988) argued that the professions must delineate their boundaries firmly, in order to protect their exclusionary clarity and make it clear to other professions and to the general public. Abbott discussed such examples as the boundaries between physicians and nurses, between surgeons and physicians, and between lawyers and psychiatrists. At the outset of this project, I was interested in a situation in which an elite profession began to lose its superior status as it faced challenges to its task jurisdiction from a new emerging profession, while simultaneously having to exercise greater control over the numbers entering the profession. I specifically focused on the role of status symbols in preserving the uniqueness and the unity of the professional community, and this study thus adds a new dimension to the understanding

of struggles for superior status in the professions. In exploring the symbolic realm of the struggle to preserve superior status, I asked the question: "How are status symbols used to maintain jurisdictional boundaries between professions?"

Abbott (1988) suggested some ways in which professions can delineate the boundaries and accentuate their exclusionary clarity, including dysfunctional monopolies, distinctions in dress and speech, and the maintenance of artificial educational distinctions. He noticed that in public hierarchies "superordinates" (the higher-level professions) tend to emphasize clarity of jurisdictional boundaries vis-à-vis subordinates (i.e. the lower-level professions), even as those subordinate professionals stress similarities (Abbott, 1988: 67). Abbott did not discuss the dynamics of this process of differentiation, however. Based on my analysis of Scottish advocates, I argue that in order to reclaim the legitimate control over practice, a profession uses stability and mobility of status symbols. Before discussing these phenomena, I offer a broader discussion on the role of status symbols in the professions.

Status symbols in the professions

The professionals studied in this project—Scottish advocates—draw clear boundaries around themselves not by emphasizing who they are and what they have in common as a group, but by differentiating themselves from others. The need for differentiation is particularly evident in situations in which differences in skills and expertise are not enough to demarcate the clear lines of division. The legal profession is such an example, as its members cannot always rely solely on their unique skills and expertise to differentiate themselves from other professionals. Sub-specialties of the medical profession serve as another example; the differences between gynecology and obstetrics are said to be so small that these two sub-specialties have had to come up with more and more sophisticated ways of differentiating themselves (Fayard et al., 2016). Similarly, service designers in the Fayard et al. study (2016) were unable to rely solely on their skills and experience as a source of differentiation, and consequently drew on their values to construct their occupational mandate.

The legal profession in many countries is an exclusive and closed community, and especially the top section of the legal profession—judges and advocates—come from privileged backgrounds, demonstrating the role of various forms of economic, social, and cultural capital (Bourdieu, 1986). A number of scholars have studied this role of privileged background in career advancement and the ownership of these forms of capital among lawyers (Shiner, 2000; Vignaendra, 2001; Rolfe and Anderson, 2003; The Sutton Trust, 2005; Cook et al., 2012; Ashley and Empson, 2013). Most of these studies focus on social capital—the social and professional connections—giving individuals an economic advantage in the labor market. Fewer studies, however, have focused on the unequal ownership of cultural capital, and those that do tend to suggest that the legal establishment prefers to appoint individuals with particular forms of cultural capital and exclude people without it. (See, e.g., Ashley and Empson, 2013.)

Professional symbols constitute a key aspect of cultural capital, or what Cook et al. (2012) refer to as the "embodied capital." Scholars who have studied symbols and symbolic practices have identified their numerous functions. Symbols create a powerful image, and as previous studies have demonstrated, an upmarket image is often used as a proxy for quality (Aldrich and Fiol, 1994; Lounsbury and Glynn, 2001; Creed, et al. 2002; Higgins and Gulati, 2003). Symbols matter because they constitute a badge of the profession and a powerful brand, sending signals of quality and superiority, enhancing legitimacy and enabling resource acquisition (Zott & Huy, 2007). My analysis indicates

that some professionals are overwhelmingly in favor of these symbols, and expend great effort in preserving them. In contrast to earlier studies of symbols, however, my research suggests that some professionals notice the alienating power of symbols, which help to draw thick lines of separation between the inside and the outside. Just like the use of secrecy, which, according to Simmel (1905), creates a distance, the use of visible symbols creates distance between the in-group and the outside world.

Maintenance of status symbols is, of course, is not confined to the advocate profession. Indeed, investment bankers, academics at ancient universities, doctors and accountants place a high importance on dress and other symbols such as ceremonies and rituals. Symbols are only one marker of status in stratified societies and professions (Veblen 1951; Anderson, 1981), and there are several others, one of them being the buildings housing professional associations (MacDonald, 1989; Siebert, et al. 2017). Status symbols like professional dress are not likely to be enough to differentiate one professions from another, but in the case discussed in this paper, many other mechanisms of differentiation begin to fail. In the differentiation effort advocates also use their status symbols to communicate their importance and uniqueness within the profession, to other professions, and to the general public. This is why the notion of "audience" for these symbols is important as I demonstrated in the sub-section on performativity of status symbols above. Arguably, professional hierarchies would be negatively affected if the markers of status such as dress and professional ceremonies disappeared.

Although the symbols and practices I studied are unique and may be considered quirky, I believe that the analysis illuminates the mechanisms of differentiation employed by other professions. Before suggesting some parallels, I discuss two concurrent processes identified in my study: stability and the mobility of status symbols.

Stability of symbols

Like the patterns of behavior observed by Simmel (1890), advocates maintain their symbols in an attempt to set themselves apart from the rest of the legal profession, while maintaining a coherent style of their own social group. Differentiation, like secrecy, creates physical and social distance and allows advocates to maintain their superiority (Simmel, 1890; Frisby, 1992). The distance created by advocates often involves the persistent use of some symbols over long periods, despite changes in the legal system in Scotland.

Some symbols I observed remained stable for an astoundingly long period, and significant effort has been expended in their preservation. These symbols include professional dress in court—wigs and gowns, and other auxiliary items of clothing such as a white bow tie, black waistcoat, or a tailcoat, ceremonies, and some everyday rituals, such as robing. These symbols are in danger of being removed, and there are clearly some internal and external pressures to eliminate of them on the wave of democratization of the profession, and in the interest of practicality. Even though there is overwhelming support for them within the profession, there remains skepticism about what is served by the role of these symbols and practices. If they have little practical value, why have these practices been maintained for so long, and why there is little motivation to change them?

Some symbols, like the procession during the start of the legal year, have been challenged by other professions. Despite an attempt to change the status order of the professions, the order remained unchanged. The stable symbols were immune to appropriation from other professions or sub-specialties. They were also unlikely to trickle down to the lower levels of the legal profession. These symbols are perceived as being so

closely tied to the advocate profession that they are taken by everybody as an obvious way of differentiating advocates from other actors—mainly solicitors and solicitor advocates, but also judges, who wear wigs and gowns, albeit different ones.

Mobility of symbols

A counter-intuitive finding in this study is that symbolic resources are not fixed, and are used in a more dynamic manner, that they are subject to the processes of imitation and avoidance. According to Simmel, the most effective mechanism for differentiation is fashion, because of its ever-increasing turnover time, but Simmel used only clothing fashion to illustrate the profound mechanism of social differentiation. In my analysis, I have focused on professional dress in and out of work, but have extended my analysis to other symbols and symbolic practices.

Unlike dress in court, advocates' professional dress out of court can be imitated. Advocates claim that solicitor advocates tacitly usurp the advocates' position by imitating their style of dress outside the court, thereby reducing their differences. The so-called Simmel effect only partly explains this process well. When under threat of imitation, a group seeks to maximize its distance and alter its symbols. When the advocates' dress code trickles down to solicitor advocates, the dress code is replaced with a new one. This is the main principle of distinctiveness—actors must differentiate themselves from lower-level individuals and groups by adopting new symbols. On the other hand, the lower-level profession of solicitor advocates attempts to minimize physical and social distance from higher-level advocates through imitation. Solicitor advocates are perceived by advocates as trying to usurp the advocates' share of resources and aspire to their social and professional status. The phenomenon resonating with the Simmel effect is evident here: Symbols spread downward and soon die, and new symbols emerge, maintaining social differences (Pendone and Conte, 2001). Except that in this case, I have discovered that the abandoned symbols do not die, and they are re-appropriated by the higher status profession later, i.e. they are recycled in an ongoing circle of imitation and avoidance. This suggests an adaptation of the Simmel effect, as it includes a recursive circle of status symbols moving down from a higher profession to a lower one, and moving up to a higher one again. This explains how the mobility of symbols offers a way toward changeable differentiation.

This mobility of symbols in a professional context (lawyers, physicians, or other professionals) points toward the Simmel effect as a source of explanation for inter-professional rivalries. There are examples of mobility of symbols, whereby the discarded symbols die, though not always as a result of imitation but as a consequence of inter-professional power struggles. One such example may be observed in the medical profession. The removal of a white coat as a symbol of a physician continues to be bemoaned in the UK healthcare system (Martin, et al., 2015). Managers banned the medical physician's white coat on the wave of the infection-control initiatives, as it allegedly allowed bacteria to be transferred from patient to patient. It was not long, however, before it was interpreted by physicians as a way of diminishing their status by making them look similar to hospital administrators, nurses, and allied health professionals. A stethoscope in the shirt pocket or hanging on the physician's neck now serves the function of differentiation, purportedly even for physicians whose professional practice does not involve the use of a stethoscope. The old symbol of the medical profession has not yet returned to the UK healthcare system. The phenomenon I observed here resonates with what Goffman (1951) referred to as circulation of symbols. Goffman

raised the notion of alterations to the symbols and called for empirical investigation of this phenomenon.

On a lighter note, the mobility of status symbols observed in this study echoes Dr Seuss's poem, "The Sneetches." The Sneetches are two types of fictional creatures who can be distinguished from each other only by a star or lack of a star on the front of their bodies. The Star-Belly Sneetches think that they are superior to the Plain-Belly Sneetches, who feel inferior and depressed, excluded from good company because they lack stars. And then Sylvester McMonkey McBean helps them by adding or removing stars for a fee. He puts stars on the Plain-Belly Sneetches and makes them happy because they now look the same as Star-Belly Sneetches. The Star-Belly Sneetches react badly, of course, because they are no longer differentiated from the Plain-Belly Sneetches, and they pay Sylvester to remove their stars. Attaching and removing stars continues until no one can remember which Sneetches were originally what.[1] Like Dr. Seuss's Sneetches, professionals keep changing their symbols, and perhaps, like in the poem, there is someone who benefits, financially or otherwise, from these changes.

The literature on professions suggests that professions are in constant motion, often caused by changes in legislation or licensing (Kirkpatrick, et al. 2015). New professions come into being; others evolve or even die (Abbott, 1988). I argue, however, that focusing on status symbols throws interesting light on managing jurisdictional relations (Abbott, 1988), and these in turn require a great degree of differentiation. As Tarde reminded us: "To exist is to differ; difference, in a sense, is the substantial side of things, is what they have only to themselves and what they have most in common." (Tarde, 1893 cited in Czarniawska, 2008: 49). Indeed, the notion of differentiation by managing the stability and the mobility of status symbols may widen the understanding of the professions.

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[1] A good summary and analysis of the poem can be found on the University of Michigan online guide http://www.umich.edu/~childlit/Sneetches/display1.htm

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Table 1: The legal professions in Scotland (Scottish Government website, 2017)

Judges	Judges hear cases in the High Court for the most serious crimes such as murder, and appeals from all the criminal courts. Judges also sit in the Court of Session where they hear civil cases - such as disputes relating to family law, contract and commercial law, and appeals over civil law cases. When in court judges wear wigs and gowns.
Sheriffs	Sheriffs are also part of the judiciary and they sit in Sheriff Courts. They deal with more serious criminal cases. When in court sheriffs wear wigs and gowns.
Advocates	Advocates (in other countries known as barristers) represent clients in proceedings before any court in Scotland including the highest courts. They do not receive instructions directly from their clients. Advocates are either Junior Counsel or senior counsel (otherwise known as Queen's Counsel, or QC). Advocates are members of the Scottish Bar and regulated by the Faculty of Advocates. The Faculty of Advocates through an elected Dean controls admissions into the profession, trains and prepares candidates for admission to the Bar, and is responsible for discipline. When in court advocates wear wigs and gowns.
Solicitor advocates	Solicitor advocates are solicitors who deal directly with their clients and have extended rights to represent clients in the higher courts when they have sufficient training and experience, and after they have passed additional exams. They have been allowed to apply for these extended rights since 1990. They are members of the Law Society of Scotland and are regulated by that body. Solicitor advocates do not wear wigs and gowns.
Solicitors	Solicitors deal directly with their clients and can give advice on any aspect of law but only if they have the necessary knowledge to do it. Although they present their client's case to the court, they do not have the right to appear before the higher courts. They are members of the Law Society of Scotland and are regulated by that body. Solicitors do not wear wigs and gowns.

Table 2: Interviews

Interviewees	**Number of interviews**	**Total recording time**
Devils interviewed in the first month of devilling	12	Total of 9 hours of audio recording
Devils interviewed after 3-6 months after admission to the Faculty	12	Total of 14 hours of audio recording
Expert informants (office bearers, and key stakeholders in advocate education)	5	Total of 8 hours of audio recording
Devilmasters	14	Total of 16 hours of audio recording
Total	**43 interviews**	**47 hours**

Table 3: Illustrative data related to status symbols

Status symbols	Manifestations
Clothes in court	**Male advocate:** a wig, a gown, white shirt with wing collar and white bow tie, black waistcoat (vest), tailcoat, and striped or dark grey morning trousers and black shoes (Obs.) **Female advocate:** a wig, black gown, wing collar and white fall, court coat and waistcoat, striped or dark grey trousers and black shoes (Obs.) Rationales for preserving them: • Earns respect: "It sets us apart from solicitor advocates, but the second is (…) that people who appear in court (…) are more respectful of the court (…), and I think a lot of it has to do with just the kind of pomp of the dress." (Int.) • Badge of the profession "If you were looking for a logo, if you were to go to an advertising agent and say I want a logo to show the senior branch of the profession of law you wouldn't get anything better than a wig." (Int.) • "Wonderful disguise" from disgruntled members of the public, witnesses, or the accused "Some people who did criminal law think wigs are a good thing because they think that they're disguised from criminals and untoward witnesses who they have to question and that therefore they're less likely to be identified in the street and indeed some people think that the wig gives you a level of authority when you are in court" (Int.) • A degree of depersonalization: "I think also they serve another function which is to confer a degree of depersonalisation on us when we're doing the job and that's as it should be. Although as you will have discovered, there are a lot of people with large personalities doing this job, it's not really all about us, it really ought to be all about what we are saying on behalf of the people we represent. So if we all look the same, then that should be the focus of people's attention what we're saying and what we're doing rather than who we are and how we are projecting our personalities." (Int.) • The need to "look different" is linked to the economic advantage: "Solicitors and, to a degree, clients expect you to behave in a certain way as well. That's what you're getting their money for." (Int.) • Preserve homogeneity and equality within the profession (Obs.)

	• Seriousness of court requires seriousness of appearance: "The formality of court and courts should be formal, after all we'll dealing with people's liberties, I'm not sure that I've had many friends who have been surgeons and I'm not sure that I would like the levity that goes on in an operating theatre or I'm told goes on in some operating theatres, that has no place in court, in fact I've rebuked juniors for laughing in court, it's no laughing matter however funny it is, it's no laughing matter if you're sitting in the dock." (Int.) • Practical function: "Oh there's another thing about the wig, you see me with my hair cut but I just happened to get it cut on Tuesday. I've got many vanities but my personal appearance is not one of them so with a wig it doesn't matter if your hair's all over the place it's immediately covered so it's good for that." (Int.) Arguments against professional dress in court: • The professional dress "makes you seem more detached from the rest of humanity and I don't think that's a particularly helpful thing." (Int.) • "Slightly ridiculous" and impractical (Int. and Obs.)
Clothes out of court	**Male advocate:** A white shirt, a black jacket and pinstriped trousers, or "blacks", or a black suit, black shoes (Obs. and Int.) "When in Parliament House, or with your devilmaster, you will wear dark business clothing appropriate for attendance at court, even if you will not be attending court that day." (Int.) **Female advocate:** a white shirt and a black or pinstriped skirt and jacket, or a black dress, or a black and white dress (Obs.) **Personal appearance:** appropriate haircut, no striking nail varnish for female advocates, polished shoes (Obs.) • Used to make judgements of professionalism (Obs.) • "Polished appearance" elicits respect (Obs. and Int.) "When you're dealing with civil solicitors there is an expectation that they're paying for a polished performance, and part of that polish goes on to your shoes [laughs] (…) You are portraying an image. Our job is to portray a position on behalf of somebody and who do you listen to more? Well it's the guy in the shiny shoes and the smart tie, and the smart suit because he must be doing something right." (Int.) • "It's nice to be able to dress up, it's a bit of fun but it's not it doesn't go to the heart of what you are doing either in terms of law or in the commerce of your actual job." (Int.) **Imitated by solicitor advocates:** "I'm a bad example today, as I'm not wearing the black pinstriped trousers, black jacket, etc, which is how you would previously know an advocate if he was walking up the street in Edinburgh. If you saw them walking up the street and if they had the black jacket and the pinstriped trousers on, they were either an undertaker or an advocate. If they had a bowler hat, they were a judge. But nowadays solicitor advocates who appear particularly in the High Court tend to wear the blacks, which is what advocates wear, so it's more difficult to differentiate yourself." (Int.) **Imitation triggers avoidance:** "Though interestingly, just in the last month, the Dean has been talking about encouraging people to appear in blacks again, to start wearing them again. Why? Because we're in a sort of competitive situation with solicitor advocates, and we

	want to look different from them. And in fact (…) if you go into the High Court, the Criminal Courts, if you see some of [solicitor advocates] wearing blacks. It's rather strange that solicitor advocates doing crime seem to want the sort of status of wearing blacks, where we don't." (Int.)
Ceremonies	**Ceremonies**: • Admission Ceremony (twice a year in June and July) (Obs.) • Start of the legal year (mid-September every year) (Obs.) • Anniversary ceremonies (Obs.) Secrecy surrounding the ceremonies: "Apparently, there is some ceremony of stamping your feet or somebody stamps their feet and then you are allowed into the court room and given a kind of tap – it all sounds a bit clandestine but I think the whole point is that no one really is going to let you know what happens until you are going through it." (Int.)
Everyday rituals	**Rituals related to the use of spaces** (e.g. walking up and down Parliament Hall when talking to others, or observing rules related to which door should be used by whom) (Obs.) **Bag service** (advocates are not supposed to carry any bags, so a 'bag service' is used to transport bags to the advocate's home) (Obs.) **Not shaking ha**nds with other advocates (Obs.) The convention comes from the fact that traditionally Faculty members all knew each other so therefore they would never be introduced. And because there was a level of trust between them, they didn't have to shake hands. Shaking hands traditionally means "I'm not holding a knife, I'm not going to stab you" kind of thing, whereas faculty members because they all knew and trust each other they didn't need to do that as such. (Int.) **Robing ritual** before entering the Court room (Obs.)