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The Gendered Corporation

The Role of Masculinities in Shaping Corporate Culture

CATHERINE O'SULLIVAN

12.1 Introduction

In the wake of the most recent economic crash, popular analysts looked at the gender of those involved in corporate governance and asked whether the recession would have happened if there were more women involved in senior corporate and banking management roles.[1] The press blamed 'macho masculinity' and testosterone-fuelled recklessness for the financial collapse. On one level this response was positive as it recognised that there is something about the way in which men as a group dominate high-finance that is problematic. It also represented a shift away from the traditional focus on bad apples that tends to predominate when the media looks at corporate malfeasance and crime.[2] Unfortunately rather than pursuing this line of inquiry and considering what it is about companies (bad barrels) or the structuring of capitalism (bad orchards) that encourages the group performance of 'macho masculinity', testosterone as an explanation prevailed. This allowed for recourse to the old trope of innate differences between men and women with the concomitant reinforcement of traditional gender roles where women's inherently

[1] For analysis of the press reporting, see E. Prügl, '"If Lehman Brothers Had Been Lehman Sisters ...": Gender and Myth in the Aftermath of the Financial Crisis' (2010) 6 *International Political Sociology* 21; M. Fisher, 'Wall Street Women: Professional Saviors of the Global Economy' (2015) 11(2) *Critical Perspectives on International Business* 137.

[2] D. Machin & A. Mayr, 'Corporate Crime and the Discursive Deletion of Responsibility: A Case Study of the Paddington Rail Crash' (2012) 9(1) *Crime Media Culture* 63. This is not to say that individual men were not denounced, rather that in addition to the behaviours of individual men being highlighted, attention was also given to men working in groups.

risk-averse and caring natures ('benevolent motherhood'[3]) render them suitable to solve market woes.

In this chapter I will add to Russell's critique of the simplistic and essentialising 'add women and stir' solution to corporate governance issues[4] by focusing on the enactment of gender by corporate actors. In Section 12.2 I will introduce the concept of hegemonic masculinities which has influenced the sociological and criminological literature that I will discuss in Section 12.3. The former considers how gendered hierarchies within corporations foster an environment conducive to unethical, unsustainable and sometimes criminal conduct, while the latter shows that corporate offenders enact masculinities and femininities concordant with broader cultural understandings of appropriate gendered ways of behaving. The implication of this literature is that it is not the sex of those involved in corporate governance that matters in preventing unethical and unsustainable corporate practice but what gender performances are valourised within the specific corporate environment(s) that the corporate actor finds him/herself and the degree to which those performances accord with societal gender expectations. Rather than testosterone-fuelled recklessness being the appropriate focal point of blame for the recent crash, it is the performance of a particular form of masculinity (in which specific gendered forms of recklessness are socially sanctioned) that is the better target of opprobrium. This means that if more women are added to corporate governance structures without changes being made to the underlying gendered business culture that incentivises unethical, unsustainable and sometimes criminal business practices, then women may attempt to adopt those masculine-coded (rather than inherently male) behaviours in order to succeed[5] or will exit those structures when the sexist practices normalised by them become intolerable.[6] As such, I will conclude in Section 12.4 that creating true

[3] A. Kwolek-Folland, *Engendering Business: Men and Women in the Corporate Office, 1870–1930* (Baltimore, MD: Johns Hopkins Press, 1994) at 136, quoted in Fisher, 'Wall Street Women' at 147.

[4] See Ch. 11.

[5] Such adoptions are not necessarily effective, see, e.g., A. H. Eagly, M. G. Makhijani & B. G. Klonsky, 'Gender and the Evaluation of Leaders: A Meta-Analysis' (1992) *Psychol. Bull.* 3; J. L. Pierce, *Gender Trials: Emotional Lives in Contemporary Law Firms* (Oakland: University of California Press, 1996); Catalyst, *The Double-Bind Dilemma for Women in Leadership: Damned if You Do, Doomed if You Don't* (New York: Catalyst, 2007).

[6] For example, women leave jobs in the tech sector at more than twice the rate of men; L. Mundy, 'Why Is Silicon Valley so Awful to Women?' (April 2017) *The Atlantic* 60 at 65. In a survey that was conducted with 210 women who had at least 10 years' experience in

corporate sustainability requires making visible the gendered nature of the problematic practices and reshaping them, with the ultimate result of more women in meaningfully reformed corporate governance structures.

12.2 Hegemonic Masculinities: Understanding Gendered Behaviour

The concept of hegemonic masculinity appeared in a series of articles in the early 1980s, receiving its first clear articulation in six pages of the first edition of Connell's influential *Gender and Power*.[7] As originally formulated, hegemonic masculinity was understood to be the normative ideal of masculinity[8] established through physical prowess, strong sexual impulses towards women, work and success in the paid market (enabling the gendered division of labour), competitive individualism, the pursuit of independence, and the capacity for violence. It 'embodied the currently most honored way of being a man, it required all other men to position themselves in relation to it, and it ideologically legitimated the global subordination of women to men'.[9] Connell's work belongs to the social constructionist tradition where the various forms of masculinity are 'configurations of practice structured by gender relations',[10] in particular the patriarchal gender system which prioritises masculinities over femininities. She argues that masculinities are defined with reference to other masculinities (complicit, subordinated and marginalised[11]) and in opposition to the various forms of femininity. Their relational nature

the tech sector in 2015, it was found that 60 per cent had experienced unwanted sexual advances and 1 in 3 had feared for their personal safety; T. Vassallo, E. Levy, M. Madansky, H. Mickell, B. Porter & M. Leas, *Elephant in the Valley*, see www.elephantinthevalley.com.

7 R. W. Connell, *Gender and Power* (Sydney: Allen & Unwin, 1987).

8 More recent research has emphasized its normative status. For example, Tannenbaum and Frank have looked at the emotional costs of suppressing emotions that is part of the masculine ideal; C. Tannenbaum & B. Frank, 'Masculinity and Health in Late Life Men' (2011) 5(3) *American Journal of Men's Health* 243. See too R. W. Connell & J. W. Messerschmidt, 'Hegemonic Masculinity: Rethinking the Concept' (2005) 19 *Gender and Society* 829 at 846, 852.

9 Connell & Messerschmidt, 'Hegemonic Masculinity' at 832.

10 R. W. Connell, *Masculinities* (Cambridge: Polity Press, 1995) at 44.

11 Complicit masculinities are enacted by men who do not meet the normative standards of hegemonic masculinity but do not challenge it and therefore obtain a patriarchal dividend by virtue of their status as men in a system where men are positioned as superior to women. Subordinated masculinities are forms of masculinity that do not conform to the norms promoted, e.g., homosexual masculinities. Marginalised masculinities are those

means that masculinities and femininities are not simply imposed on individuals but can be resisted by them and are subject to change. According to Connell then, 'gender is "done" to subjects but they also "do" gender'.[12]

In their reformulation of the concept in 2005, Connell and Messerschmidt emphasised hegemony does not necessarily require active oppression at all times. Various forms of non-hegemonic masculinity can and do inform the content of what is hegemonic, and women are often central in the process of constructing masculinities.[13] Indeed it would be contrary to the concept of hegemony, 'an idea that embeds certain notions of consent and participation by subaltern groups',[14] if it operated only in an oppressive fashion. However hegemonic masculinities are not self-reproducing, which is why the boundaries of the masculinities that are deemed hegemonic at a particular place in a given time require the continual policing of men and the exclusion of women.[15]

Connell and Messerschmidt's 2005 article is also important for its acknowledgment that hegemonic masculinity is not a singular concept. Instead hegemonic masculinities exist at local (families, communities and organisations), regional (societies, cultures and States) and global (transnational businesses, media and politics) levels and there are links between them.[16] Messerschmidt explains their relationship thus: 'global hegemonic masculinities pressure regional and local hegemonic masculinities, and regional hegemonic masculinities provide cultural materials adopted or reworked in global arenas and utilized in local gender dynamics'.[17] This recognition of a multiplicity of masculinities is important for two reasons. First their plurality challenges binary essentialist reasoning when discussing women and men.[18] Second the focus on the relational nature of the performances is what has been termed 'the element of optimism in an otherwise rather bleak theory'.[19] Connell writes: 'multiple

who are disqualified from attaining hegemonic status because of their race, ethnicity or class. Connell, ibid. at 78–80.

12 C. Beasley, 'Problematizing Contemporary Men/Masculinities Theorizing: The Contribution of Raewyn Connell and Conceptual-Terminological Tensions Today' (2012) 63(4) *Brit. J. of Sociology* 747 at 755.

13 Connell & Messerschmidt, 'Hegemonic Masculinity' at 848.

14 Ibid. at 840.

15 Ibid. at 844.

16 Ibid. at 849.

17 J. W. Messerschmidt, 'Engendering Gendered Knowledge: Assessing the Academic Appropriation of Hegemonic Masculinity' (2012) 15 *Men and Masculinities* 56 at 59.

18 R. W. Connell, 'Margin Becoming Centre: For a World-Centred Rethinking of Masculinities' (2014) 9(4) *NORMA* 217 at 219.

19 Connell and Messerschmidt, 'Hegemonic Masculinity' at 833.

masculinities represent [a] complexity of interests and purposes which open possibilities for change'.[20] Evidence of this change has been found in more gender-equality based masculinities identified in various Scandinavian studies and in research in Mozambique.[21] Crucially these shifts have been facilitated by, among other factors, State interest in the promotion of women's rights. However, changes to hegemonic masculinities do not always move unidirectionally towards egalitarianism. An example is transnational business masculinity, a new iteration of corporate masculinity engaged in by those who work for multinational corporations. Connell and Wood note that while transnational business masculinity does not adhere to the homophobic and gendered views of traditional corporate masculinities,[22] it nonetheless remains a power-orientated rather than egalitarian masculinity.[23]

Unfortunately there has been a tendency within some masculinities work to equate hegemonic masculinity with character traits possessed by particular groups of dominant or dominating men, an issue that Connell and Messerschmidt have acknowledged.[24] This is problematic because the collapse of hegemonic masculinity to particular groups of men fails to acknowledge that individual men can assume different performances of masculinity depending on the social context,[25] the time of day,[26] or indeed engage in interactional styles more associated with feminine norms for strategic reasons.[27] It also deflects attention away from the legitimating function that hegemonic masculinity performs in stabilising

[20] R. W. Connell, *The Men and the Boys* (Cambridge: Polity Press, 2000) at 226.
[21] For a summary of such studies, see A. D. Christensen & S. Q. Jensen, 'Combining Hegemonic Masculinity and Intersectionality' (2014) 9(1) *NORMA* 60 at 65.
[22] R. W. Connell & J. Wood, 'Globalization and Business Masculinities' (2005) 7(4) *Men and Masculinities* 347 at 358–361. However, they note that while gender equality may be endorsed, it is not necessarily practiced (359).
[23] Connell, 'Margin Becoming Centre' at 227.
[24] Connell & Messerschmidt, 'Hegemonic Masculinity' at 847. See also J. W. Messerschmidt, 'And Now, the Rest of the Story ... A Commentary on Christine Beasley's "Rethinking Hegemonic Masculinity in a Globalizing World"' (2008) 11(1) *Men and Masculinities* 104 and Messerschmidt (2012), above n. 17.
[25] R. Collier, 'Rethinking Men and Masculinities in the Contemporary Legal Profession: The Example of Fatherhood, Transnational Business Masculinities, and Work-Life Balance in Large Law Firms' (2013) 12 *Nev. L.J.* 410 at 430.
[26] P. Levin, 'Gendering the Market: Temporality, Work, and Gender on a National Futures Exchange' (2001) 28(1) *Work and Occupations* 112.
[27] J. Angouri, '"We are in a Masculine Profession...": Constructing Gender Identities in a Consortium of Two Multinational Engineering Companies' (2011) 5(2) *Gender and Language* 373 at 389, 392, 394.

hierarchal and unequal patriarchal relationships through the subordination of women, femininities and non-hegemonic masculinities.[28] Accordingly, a dominant or dominating masculinity is only also hegemonic if it legitimates patriarchal relations.[29] To illustrate the difference between hegemonic and dominant masculinities, it is useful to consider Beasley's contrast of accountants and working-class men:

> a senior manager in a major accounting firm ... may represent a dominant masculinity in that he wields a widely accepted institutional power ... but ... [a]ccountants ... are scarcely deemed the mobilizing model of manliness to which all men should aspire. They may exercise power, but they are not able to legitimate it ...
>
> By the same token ... while actual working-class men may not wield institutional power, muscular working-class manhood *is* commonly employed as a highly significant mobilizing cultural ideal intended to invoke cross-class recognition and solidarity regarding what counts as a man.[30]

Jefferson's focus on men who batter women is useful regarding the distinction between dominating and hegemonic masculinities. He notes that while such men clearly subordinate women, they do not boast about their violence because it is not seen as 'the currently most honored way of being a man'[31] but rather as a 'failure of manhood'.[32] As such it is not a hegemonic form of masculinity.

It is important to note that Connell's work, although pre-eminent in the field of masculinities studies for thirty years, has also been criticised for being too constrained by its modernist origins. It has been argued that

[28] J. Elias & C. Beasley, 'Hegemonic Masculinity and Globalization: "Transnational Business Masculinities" and Beyond' (2009) 6(2) *Globalizations* 281 at 288; C. Beasley, 'Rethinking Hegemonic Masculinity in a Globalizing World' (2008) 11(1) *Men and Masculinities* 86 at 94.
[29] Messerschmidt, 'Engendering Gendered Knowledge' at 73.
[30] Beasley, 'Rethinking Hegemonic Masculinity' at 90. Emphasis in original.
[31] Connell & Messerschmidt, 'Hegemonic Masculinity' at 832.
[32] T. Jefferson, 'Subordinating Hegemonic Masculinity' (2002) 6(1) *Theoretical Criminology* 63 at 71. In her response to this article, Connell accepts the point but complicates it, noting the extent to which men in a variety of social contexts are expected to keep 'their' women under control and that their failure to do so is seen to negatively reflect on their manhood. R. W. Connell, 'On Hegemonic Masculinity and Violence: Response to Jefferson and Hall' (2002) 6(1) *Theoretical Criminology* 89 at 93–94. It should also be noted that Jefferson's article pre-dates the reformulation of the concept in 2005 where dominant and hegemonic were distinguished, and Messerschmidt's subsequent recognition of the distinction between hegemonic, dominant and dominating masculinities; J. Messerschmidt, *Hegemonic Masculinities and Camouflaged Politics* (Boulder, CO: Paradigm, 2010).

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it should pay more attention to post-modern theory, specifically the problematising of the sex-gender dichotomy and the understanding of subjects as discursive assemblages rather than formed in dialectical interaction with material structures.[33] Apart from the fact that such critiques neglect Connell's recognition of the discursive dimension in the construction of various masculinities,[34] I would agree with Connell that gender is not just discursive but is also 'a system of material practices resulting in material inequalities'.[35] As Connell notes:

> One is not free to adopt any gender position in interaction simply as a discursive or reflexive move. The possibilities are constrained massively by embodiment, by institutional histories, by economic forces, and by personal and family relationships. The costs of making certain discursive choices can be extremely high ....[36]

Accordingly, I subscribe to the views of Connell and others who appreciate the insights postmodernism has generated in relation to the discursive, but who are concerned that the proposition that everything is discourse ignores the reality of structural systemic inequalities and thereby negates the possibility of making substantive and positive change to the material conditions of women and men.[37] Finally, even those who are critical of the concept of hegemonic masculinity acknowledge its continued value although they suggest different reformulations. Christensen and Jensen write that 'the concept of hegemonic masculinity is so deeply anchored in the theoretical history of masculinity research that "throwing the baby out with the bathwater" is both undesirable and impossible'.[38] Similarly Hearn does not entirely reject Connell's approach; he integrates it into his new proposition that it is men rather

[33] For a very helpful and critical discussion of the differences between Connell's work and postmodernism, see Beasley, 'Problematizing Contemporary Men/Masculinities'.

[34] Connell and Messerschmidt write "'masculinity" represents not a certain type of man but, rather, a way that men position themselves through discursive practices'. ('Hegemonic Masculinity' at 841).

[35] Connell, 'On Hegemonic Masculinity and Violence' at 94.

[36] Connell & Messerschmidt, 'Hegemonic Masculinity' at 843.

[37] Connell writes: 'Deconstructionist gender analysis tends to individualize politics, representing opposition to hierarchy mainly as acts of rejection or subversion, rather than group mobilization'; R. W. Connell, 'A Thousand Miles from Kind: Men, Masculinities and Modern Institutions' (2008) 16(3) *Journal of Men's Studies* 237 at 245. See also M. Nussbaum, 'The Professor of Parody' (2003) 4 *Raisons Politiques* 124; A. Howe, *Sex, Violence and Crime: Foucault and the 'Man' Question* (London: Routledge, 2009) at 138–142.

[38] Christensen & Jensen, 'Combining hegemonic masculinity', above n. 21 at 72.

than masculinities that are hegemonic.[39] As such, hegemonic masculinity and its correlates remain an important conceptual tool in theorising gendered behaviour in local, regional and global locations.

12.3 Using Masculinities Research to Understand the Conduct of Corporate Actors

The concept of hegemonic masculinities has informed sociological and criminological research on the behaviour engaged in by corporate actors. In this chapter I will highlight literature that examines how corporate actors perform masculinity through discursive practices, either through enforcing gendered hierarchies by means of aggressive and masculinised language or in the gendered ways they attempt to justify their wrongdoing. My focus on language is in part a response to the unwarranted critique that masculinities research fails to attend to the discursive, but it is also simply because 'Language is the primary means by which individuals construct and negotiate their identities ... "Identity talk" can be used to present oneself as a certain type of person, explain nonnormative or otherwise unexpected behavior, and manage impressions'.[40]

12.3.1 Masculinities and Corporations

One of Connell's important contributions to the study of men and masculinities has been her insight that corporations are gendered male, reflecting the masculinised public realm from which they originated.[41] Connell writes:

> gender discrimination [in corporations] is not an accidental feature of bureaucracy[] which can be fixed by changing a few attitudes. Gender is a structural feature of corporate life, linked to gender relations in other sectors of society. Gender shapes job definitions, understandings of 'merit' and promotion, management techniques, marketing and a whole lot more.[42]

[39] J. Hearn, 'From Hegemonic Masculinity to the Hegemony of Men' (2004) 5(1) *Feminist Theory* 49 at 59; J. Hearn, 'Men, Masculinities and the Material(-)Discursive' (2014) 9(1) *NORMA* 5 at 10.

[40] M. J. Gathings & K. Parrotta, 'The Use of Gendered Narratives in the Courtroom: Constructing an Identity Worthy of Leniency' (2013) 42(6) *Journal of Contemporary Ethnography* 668 at 670.

[41] R. W. Connell & R. Pearse, *Gender in World Perspective*, 3rd ed. (Cambridge: Polity Press, 2015) at 131–134.

[42] Ibid. at 132.

In this she draws from and feeds into the work of various feminist scholars, including Acker, who have similarly exposed the false gender-neutrality of organisations and their structures.[43] Acker notes that the ideal worker assumes 'a particular gendered organization of domestic life and social production'[44]; specifically, he is a male who is able to devote his time to work because he has a wife who looks after him and any children. In his study of the American Commodities Exchange (ACE), Levin found that traits traditionally associated with masculinity – such as being aggressive and physical – implicitly informed the understanding of what it was to be a competent trader during busy periods in the day.[45] This masculine coding became apparent when high-performing women were discussed. They are regarded as competent, but not women, or they are described in non-flattering gendered terms (e.g., bitch).[46] The implicit gendering of work as male means that even when men are not engaging in work – for example, partaking in self-aggrandising and homosocial-bonding talk at meetings – they regard themselves as working.[47] This conflation of masculinity performances with work is possible, Martin explains, because men 'predominate in the powerful positions and because men and masculinity have more legitimacy ... in work contexts'.[48]

Yet because gender is an on-going accomplishment which requires men to assert their status as men, in addition to paid work being implicitly gendered male, the practice of work becomes explicitly so through physical or discursive means. It is obviously easier for blue-collar men to physically 'do gender' than white-collar men because of the nature of blue-collar work. Absent the proof of manliness that physical labour provides, white-collar men 'shift the definition'[49] of what it means to be male by working long hours which demonstrates their 'commitment,

[43] J. Acker, 'Hierarchies, Jobs, Bodies: A Theory of Gendered Organizations' (1990) 4(2) *Gender & Society* 139.
[44] Ibid. at 149.
[45] Levin, 'Gendering the Market' at 122. Levin also found ACE to be explicitly gendered in its sexualisation and commodification of women's bodies during the mid-day lull.
[46] Ibid. at 121–122.
[47] P. Y. Martin, '"Mobilizing Masculinities": Women's Experiences of Men at Work' (2001) 8(4) *Organization* 587 at 605.
[48] Ibid.
[49] J. Williams, 'Jumpstarting the Stalled Gender Revolution: Justice Ginsburg and Reconstructive Feminism' (2011) 63 *Hastings L.J.* 1267 at 1285.

stamina, and virility'.[50] Discursively, masculinity is performed in blue- and white-collar work environments through the use of masculinised aggressive language. Indeed, it has been suggested that linguistic displays of dominance are more important to white-collar workers precisely because of their jobs' lack of physicality.[51] As well as using profanities, studies have found that white-collar workers use strongly masculinised linguistic imagery when describing themselves or those they admire. For example, the language lawyers use to describe those they regard as effective trial lawyers is 'not only intimidating but strongly masculine' (e.g., Rambo litigator, hired guns, barbarians of the bar).[52] They also use aggressive and often sexualised linguistic imagery in describing their work. Cross-examination is a 'mental duel' where the object is to 'destroy[] witnesses' or 'rape' them.[53] Those who are dominated are frequently described in feminised terms. They are described as 'having no balls', as 'sissies' and 'wimps'.[54] The same is true of the ACE futures traders observed by Levin. They described their work as 'war', as a 'battle', and one trader memorably stated, 'You have to want to cut someone's balls off'.[55]

The metaphors that corporate actors use to express success and failure are also masculine-coded. In addition to military metaphors such as those just noted, the two most commonly discussed in the literature are work as sports or sexual prowess/violence.[56] Writing in the context of large corporations who pit employees against each other in promotion and retention contests, O'Connor notes that military and sports metaphors 'inculcate both competitiveness and loyalty', features valued by employers, even though they may be at the expense of ethical conduct.[57] Sexual prowess/violence metaphors perform a similar function by facilitating homosocial bonding between the (appropriately heterosexual) male employees and excluding the feminine/feminised Other. Lawyers

[50] M. Cooper, 'Being the "Go-To Guy": Fatherhood, Masculinity, and the Organization of Work in Silicon Valley' in N. Gerstel et al. (eds.), *Families at Work: Expanding the Bounds* (Nashville, TN: Vanderbilt University Press, 2002), quoted in Williams, 'Jumpstarting the Stalled Gender Revolution' at 1286.
[51] J. Pierce, 'Rambo Litigators: Emotional Labor in a Male-Dominated Occupation' in C. Cheng (ed.), *Masculinities in Organizations* (London: Sage, 1996) 1 at 3.
[52] Ibid. at 8–9. [53] Ibid. at 9, 11. [54] Ibid.
[55] Levin, 'Gendering the Market' at 122.
[56] L. McDowell, *Capital Culture: Gender at Work in the City* (Oxford: Blackwell Publishers, 1997) at 148; Angouri, '"We are in a Masculine Profession ..."' at 385–386.
[57] M. A. O'Connor, 'Women Executives in Gladiator Corporate Cultures: The Behavioral Dynamics of Gender, Ego, and Power' (2006) 65 *Maryland L.R.* 465 at 489.

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are told to seduce juries ('getting in bed with the jury'[58]), while ACE traders 'often spoke ... about getting "fucked" by the market or accidentally "screwing" a customer'.[59] In the merchant banks in London, successful traders were 'big swinging dicks', while a 'hard on' was a rising market, 'lift your skirts' meant to reveal your position, deals were 'consummated' and to exaggerate one's expense claims was 'to rape the cards'.[60] In a recent case, the Libyan Investment Authority (LIA) unsuccessfully sued Goldman Sachs for abuse of trust in trades executed between January and April 2008.[61] The plaintiffs presented in evidence an email from a Goldman executive who described LIA as 'unsophisticated' clients whom 'anyone could "rape"'.[62]

Sexual violence is also expressed in jokes that serve to create and maintain group solidarity through the exclusion of women and non-hegemonic men. McDowell found that

> sexualised language was used to objectify and humiliate women – 'I'd like to screw her/nail her if I got the chance' – as well as references to women colleagues as 'skirts', 'slags', 'brasses' and 'tarts', synonyms for prostitutes. ... A range of practical jokes revolving around, variously, sexy computer passwords, smutty messages and faxes, underwear and blow-up dolls were reported.[63]

The male workers stopped when their female colleagues told them to, but resumed when the women left. This, McDowell observed, 'was another mechanism of exclusion'.[64] Revisiting that study in 2010, McDowell noted that little had changed: 'Horseplay, sexualized banter, loud and aggressive talk, as well as forms of sexual harassment are tolerated and women are often forced either into the position of unwilling arbiters of boundaries or less than willing participants in the sexualized banter'.[65] Levin similarly found that the use of heterosexist jokes and jokes about sexual violence 'facilitate[d] the identification of the ACE as a man's world' and operated to exclude women, and by necessary implication homosexual men, from the social community

[58] Pierce, 'Rambo Litigators' at 20. [59] Levin, 'Gendering the Market' at 123.
[60] McDowell, *Capital Culture* at 148, 179.
[61] C. Bray, 'Goldman Sachs didn't Trick Libyan Fund, Judge Says' (14 October 2016) *New York Times*.
[62] R. Allen-Mills, 'Watch out, world: Goldman's "vampire squid" is back from the depths' (19 June 2016) *Sunday Times* News Review 2.
[63] McDowell, *Captial Culture* at 141. [64] Ibid. at 144.
[65] L. McDowell, 'Capital Culture Revisited: Sex, Testosterone and the City' (2010) 34(3) *International Journal of Urban and Regional Research* 652 at 653.

being solidified.[66] Stories about being fellated by girlfriends/one-night stands and of hiring female prostitutes also served 'to communicate [the traders' heterosexual] manliness to each other'.[67] Women who tried to participate in such 'banter' were regarded negatively, revealing its homosocial and sexist nature. Women could not be sexual subjects, just objects.[68]

This exclusionary language co-exists with, and possibly legitimates, exclusionary practice. A report into London's financial institutions in 2008 described a 'lap dance ethos' that undermined women who worked in those firms.[69] A 2014 survey undertaken by the *Financial Times* found that sexism was particularly prevalent in fund management, with a fifth of female fund staff having been sexually harassed at work, and a third reporting that sexist behaviour was directed at them on a weekly or monthly basis.[70] The repeated awarding of damages to women in corporate sex discrimination lawsuits is testimony to the scale of the problem. On Wall Street, Citigroup's Smith Barney, Merrill Lynch and Morgan Stanley each paid more than $100 million between 1990 and 2006. Morgan Stanley settled another lawsuit for $54 million in 2008.[71] More recently there have been high-profile examples of women in key corporate roles in the technology sector making sex discrimination allegations against their employers.[72]

In line with Connell's theory that masculinities are not self-reproducing, men who fail to live up to the socially constructed masculine norms being policed also face negative repercussions. This can often take the form of physical and/or verbal abuse. The latter is often in the form of name-calling where the man who is or is assumed to belong to a marginalised masculinity is equated with women/the feminine.[73] Connell describes this discursive strategy as a symbolic blurring which re-inscribes the superiority of men/masculinities over women/femininities[74]

[66] Levin, 'Gendering the Market' at 124. [67] Ibid. at 125–126. [68] Ibid. at 125.
[69] Fawsett Society, *Sexism and the City: What's Rotten in the Workplace and What We Can Do About It* (London: Fawsett Society, 2008).
[70] C. Newlands & M. Marriage, 'Women in asset management: Battling a culture of "subtle sexism"' (30 November 2014) *Financial Times Financial Management Supplement*.
[71] Prügl, '"If Lehman Brothers Had Been Lehman Sisters"' at 25.
[72] For an account of the accusations against Google, Facebook, Uber and Tesla, refer to A. Simon-Lewis, 'Facebook becomes latest tech giant to face claims of sexism. What is Silicon Valley's problem?' (4 May 2017) *Wired*, see www.wired.co.uk/article/tesla-sexism-lawsuit-harassment-uber.
[73] S. R. Bird, 'Welcome to the Men's Club: Homosociality and the Maintenance of Hegemonic Masculinity' (1996) 10 *Gender & Soc.* 120.
[74] Connell, *Masculinities* at 79.

The bullying behaviour that gender non-conforming men experience is the flip-side to the camaraderie of the men's club and shows that the enactment of this form of corporate masculinity is a way that men seek to position themselves discursively and through social practice as hierarchically superior to other lesser men and to women. This negative reinforcement of aggressive and reckless masculinity also has implications from a corporate sustainability perspective in that the kinds of considerations that underlie sustainable practice, such as prudence or concern for social justice and environmental issues, are coded feminine and thus become unspeakable for those seeking to present themselves as conforming to the hegemonic norm.

Finally, the relational and shifting nature of masculinities is evident in research on corporations. In addition to the homosocial bonding aspect of the performance of masculinity in workplaces, McDowell's seminal work on investment banking in London noted the shift in the hegemonic form of masculinity within that arena in the 1980s from the measured, rational calm of the disembodied patriarch to the youthful, masculine energy of the modern, brash trader. Collier has noted a similar change in large law firms, where the hegemonic form has moved 'away from the model of the male "lawyer as gentleman" ... to the more fragmented, entrepreneurial, hyper-competitive, and increasingly commercial profession of today'.[75] This shift, Collier suggests, fits well with the model of transnational business masculinity proposed by Connell.

12.3.2 Masculinities and Corporate Crime

Connell did not focus on the relationship between masculinities and crime, although she suggested that through committing crime men are, in part, 'doing masculinity' by asserting what they believe is 'their essential nature' when other legitimate routes are blocked. She regards this as 'protest masculinity', an often Pyrrhic means of reclaiming lost power.[76] This insight was taken up by Messerschmidt. He argued that 'Crime is a resource that may be summoned when men lack other resources to accomplish gender'.[77] For example, he noted that boys/

[75] Collier, 'Rethinking Men and Masculinities' at 432–433.
[76] Connell, *Masculinities* at 111–118.
[77] J. W. Messerschmidt, *Masculinities and Crime* (Lanham, MD: Rowman & Littlefield Publishers, 1993) at 85.

men who are members of lower-class and/or minority groups have fewer legitimate routes to demonstrate their 'essential nature' as men. This can lead to the creation of 'a physically violent opposition masculinity' because physical strength expressed through violence is one of the few 'hegemonic masculine ideals that remain available'.[78] Pursuant to this theory, crime is not committed because it is just the way boys/men are, it is a choice to undertake a gendered strategy of action that is enabled and circumscribed by gendered social structures.

In the ensuing criminological engagement with masculinities, research has tended to focus on male violence against men (particularly in working-class areas), male sexual violence against women and domestic violence. However, it is also useful in understanding corporate culture, of which corporate crime is a facet, particularly its valorisation of recklessness:

> risk-taking and defying social convention are qualities more admired in men than in women.... [M]en find it easier than women to justify illegal wrongdoing because law-violating behaviour, especially for status-seeking or financial reasons, is more compatible with male focal concerns. Stereotypically masculine qualities align not only with committing business fraud, but also with actions that might precipitate fraud, such as engaging in risky financial ventures or bad business deals and gambling, drinking, or sexual affairs.[79]

Men have three focal concerns ascribed to them: maintaining dominance/control, attaining status in the public sphere (with attendant provider/protector roles in the private) and heterosexual sexual success.[80] The status and financial rewards attendant on (il)licit masculine risk-taking behaviour in parts of the corporate sector certainly meet these concerns, enabling 'a sort of playboy dream life which included holidays in exotic locations, often on board yachts, participation in extreme sports, the collection of classic cars, and the use of private planes'.[81] This visible rewarding of individuals who take reckless risks in turn creates or reinforces a culture of recklessness. As such, the practice of individuals

[78] Ibid. at 104–105.
[79] D. J. Steffensmeier, J. Schwartz & M. Roche, 'Gender and Twenty-First-Century Corporate Crime: Female Involvement and the Gender Gap in Enron-Era Corporate Frauds' (2013) 78(3) *American Sociological Review* 448 at 452.
[80] Ibid. at 451–452.
[81] L. McDowell, 'Making a Drama Out of a Crisis: Representing Financial Failure, or a Tragedy in Five Acts' (2011) 36 *Transactions of the Institute of British Geographers* 193 at 197.

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becomes the culture of the institution becomes the practice of individuals – an unvirtuous circle.[82]

For some, as Steffensmeier et al. noted, living the high-life associated with masculine success leads to criminality. Cressey similarly found that embezzlers lived beyond their means for quite some time before they 'borrowed' money to solve the problem they had created.[83] For others, it is the previously noted survival-of-the-fittest style promotion tournaments that create an environment where 'the winners must continuously produce profits'.[84] In such a context, when legitimate means of obtaining profits or promotions are blocked, 'corporate executives are positioned to engage in specific illegitimate practices that seek to ensure not only their own, but corporate success as well'.[85] Accordingly, corporate crime is as much a resource for some men to accomplish gender as physical violence is for others.

In light of the behaviour described in the previous section that was documented in non-criminal corporate environments, it is unsurprising that the same behaviour is present in those organisations that are actively engaging in criminal wrongdoing. Indeed, what is striking when looking at retrospective analyses of the behaviour in firms such as Enron,[86] at various (auto)biographies of reformed corporate offenders including that of Jordan Belfort which was adapted into the commercially and critically successful movie *The Wolf of Wall Street*,[87] or at thinly veiled fictionalised accounts of such,[88] are the commonalties of the masculinised behaviour engaged in by (non-)criminal corporate actors. It is sometimes only a matter of the degree to which particular harmful activities are practiced

[82] In contrast to Ayers and Braithwaite's virtuous circle; I. Ayers & J. Braithwaite, *Responsive Regulation: Transcending the Deregulation Debate* (New York: Oxford University Press, 1992) at 82.

[83] D. R. Cressey, *Other People's Money: A Study in the Social Psychology of Embezzlement* (New York: Free Press, 1953).

[84] O'Connor, 'Women Executives' at 488.

[85] Messerschmidt, *Masculinities and Crime* at 135.

[86] R. Bryce, *Pipe Dreams: Greed, Ego, and the Death of Enron* (New York: Public Affairs, 2002) at 146.

[87] *Wolf of Wall Street* (Paramount, 2014). In addition to being nominated for 133 awards, including five Oscars, it is said to be the highest grossing film of Martin Scorsese's career, earning $392 million worldwide. See www.imdb.com/title/tt0993846/?ref_=nv_sr_1.

[88] G. Anderson, *Cityboy* (London: Headline Book Publishing, 2009). For an analysis of this book, see R. Smith, 'Masculinity, *doxa* and the institutionalisation of entrepreneurial identity in the novel *Cityboy*' (2010) 2(1) *International Journal of Gender and Entrepreneurship* 27.

and condoned that distinguishes a criminal from a non-criminal corporate environment and the various shades of grey in between. Accordingly, a more interesting angle to look at is criminological research on how convicted corporate offenders have sought to explain and neutralise their criminal wrongdoing. This will show the links between the local (within the corporation) and the regional (on a societal level) in terms of comprehensible gender performances. The primary focus in this section will be Klenowski et al.'s study of twenty male and twenty female convicted white-collar offenders because it brings together neutralisation techniques and hegemonic masculinity.[89]

Sykes and Matza introduced the influential concept of techniques of neutralisation in 1957, based in part on previous research by Sutherland[90] and Cressey,[91] to explain how delinquents can share society's values and respect for the law and yet justify breaking it.[92] They identified five main neutralisation techniques: denial of responsibility, denial of injury, denial of the victim, condemnation of the condemners and an appeal to higher loyalties. Although the concept was initially devised with reference to juvenile delinquency, Sykes and Matza hinted that these techniques could be useful in understanding white-collar offenders given the latter's commitment to conventional values.[93] Subsequent research into white-collar offenders has identified three further neutralisation techniques. Corporate criminals have claimed that their behaviour was normal, that they were entitled to act as they did and/or that it was necessary for them to break the law.[94]

Originally, neutralisation techniques were theorised as linguistic devices that allowed offenders to rationalise and legitimate their criminal wrongdoing before they committed the crime. However, partly due to difficulties in determining the causal order of the neutralisations and the offending (as research is typically conducted with convicts), it has now

[89] P. M. Klenowski, H. Copes & C.W. Mullins, 'Gender, Identity, and Accounts: How White Collar Offenders Do Gender When Making Sense of Their Crimes' (2011) 28(1) *Justice Quarterly* 46.

[90] E. H. Sutherland, *White Collar Crime* (Rome: Italiana Tecnico-Economica del Cemento, 1949).

[91] Cressey, *Other People's Money*.

[92] G. Sykes & D. Matza, 'Techniques of Neutralization: A Theory of Delinquency' (1957) 22 *American Sociological Review* 664 and 'Juvenile Delinquency and Subterranean Values' (1961) 26 *American Sociological Review* 712.

[93] Sykes & Matza, 'Techniques of Neutralization' at 479.

[94] See Klenowski et al., 'Gender, Identity, and Accounts' at 49.

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been recognised that they can also operate as post-act rationalisations.[95] As such, neutralisation techniques function on two levels. On an internal level they permit and/or excuse the commission of crime, allowing the offender to maintain a favourable self-impression; on an external level they allow offenders to present a socially acceptable narrative of their behaviour and so justify it to others. On both of these levels, local and regional gender expectations are important because they frame our understandings of our own behaviour and the receptiveness of others to the explanations offered. There has been regrettably little research on the role of gender and neutralisation, but the research that has been done explains why, when white-collar criminals attempt to justify their offending, they do so in gender-appropriate ways.[96] This research also shows us that these gendered neutralisations derive not just from society more generally but also from the perpetrator's work environment. This is because the rationalisations relied upon by the offender could not have been called upon or been comprehensible if they were not already present in the corporate environment in which s/he was inculcated.[97]

Klenowski et al. found that the most common technique relied upon was that of an appeal to higher loyalties. In men, this manifested itself in the breadwinner/provider motif. Male offenders pointed not only to family breadwinning responsibilities but also to a wider category of dependents for whom they felt responsible, such as the need to save the company and thereby save the jobs of other employees.[98] That they personally profited from their illegal activities was incidental. By way of contrast, women highlighted their caregiving role and focused on familial relationships. Women also implicitly blamed the men in their lives for being ineffective breadwinners (even where this was due to illness on the part of the male partner). If men had fulfilled their duties as providers,

[95] Ibid.

[96] Cressey, *Other People's Money*; D. Zietz, *Women Who Embezzle or Defraud: A Study of Convicted Felons* (New York: Praeger Pub, 1981); K. Daly, 'Gender and Varieties of White Collar Crime' (1989) 27 *Criminology* 769; H. Copes & L. M. Vieraitis, *Identity Thieves: Motives and Methods* (Boston, MA: Northeastern University Press, 2012); L. M. Vieraitis, N. L. Piquero, A. R. Piquero, S. G. Tibbetts & M. Blankenship, 'Do Women and Men Differ in their Neutralizations of Corporate Crime?' (2012) 37(4) *Criminal Justice Review* 478; P. Klenowski, "'Learning the Good with the Bad": Are Occupational White-Collar Offenders Taught How to Neutralize Their Crimes?' (2012) 37(4) *Criminal Justice Review* 461; Klenowski et al., 'Gender, Identity, and Accounts'.

[97] Cressey, *Other People's Money* at 137; Klenowski, 'Gender, Identity, and Accounts'.

[98] F. S. Perri, 'White-Collar Criminals: The "Kinder, Gentler" Offender?' (2011) 8 *J. Investig. Psych. Offender Profil.* 217 at 223. Klenowski et al., 'Gender, Identity, and Accounts' at 55.

then they would not have been forced into the active 'male' roles of breadwinner and offender.[99] As a side note, the male worker/breadwinner role and female caretaker/economic dependency roles have also been found to be significant in terms of accessing sentencing leniency in more traditional street crime cases.[100] This ties in with research undertaken by Stadler and Benson that white-collar offenders engage in similar neutralisation processes to other offenders, despite demographic differences between the groups.[101]

In keeping with Levin's insight that competence is not a gender-neutral word, but one infused with masculine-coded traits, Klenowski et al. also found that it was easier for women to deny responsibility for their actions, often blaming their bosses, than it was for men. Referencing Connell, they explained:

> In part, these women were trading on the acceptability of women not being in control or fully knowledgeable about the details and particulars of their work tasks. While men would be expected to have as much information within an organization as possible to present an image of competence and justify promotion, women's historical experiences of limited advancement provide a socially validated shield for their lack of knowledge and competence.[102]

They also found that the few men who accessed the technique claimed their lack of responsibility was due to ill-health, 'one of the few acceptable ways for men attempting a hegemonic presentation of self to deny responsibility'.[103] This insight may explain Stadler and Benson's finding that the male white-collar offenders they studied were more willing to take responsibility for their actions than were the ordinary offenders interviewed.[104] Klenowski et al. also found that men were less likely than women to try to access the claim of necessity because doing so would signify that they were unable to compete with other men without resorting to crime which would threaten their masculine identity.[105]

[99] Klenowski, 'Gender, Identity, and Accounts' at 60; Klenowski, "'Learning the Good with the Bad"' at 467–468.

[100] Gathings & Parrotta, 'Gendered Narratives in the Courtroom' at 673.

[101] White-collar offenders tend to be older, married, have higher socio-economic status and better levels of education, and are less likely to have prior convictions; W. A. Stadler & M. L. Benson, 'Revisiting the Guilty Mind: The Neutralization of White-Collar Crime' (2012) 37(4) *Criminal Justice Review* 494 at 500.

[102] Klenowski et al., 'Gender, Identity, and Accounts'at 62.

[103] Ibid.

[104] Stadler & Benson, 'Revisiting the Guilty Mind' at 505.

[105] Klenowski et al., 'Gender, Identity, and Accounts' at 66.

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Corroborating Cressey's 1953 research on embezzlers,[106] Klenowski et al. found that denial of injury was commonly used by males, typically by reframing their fraudulent acts as borrowing.[107] While women also invoked this neutralisation device, they did so less frequently than men. Again relying on Connell, the authors postulate that 'the demands of emphasised femininity ... direct women to be attentive to the consequences of their behaviors on the lives and experiences of others. ... It is likely that denying injury has less cultural credibility when done by someone who is expected to be hyper-attuned to unjust injuries'.[108] A point not noticed by the authors is that representing their crime as borrowing also becomes a denial that the law was broken at all. Research on convicted white-collar offenders has found that many of them do not regard what they did as criminal. They do not regard their actions as equivalent to those of 'real' criminals,[109] and are correspondingly less likely than ordinary offenders to express guilt for their offences or to accept the application of the criminal label.[110] The impact of gender expectations was also evident in the frequency with which men condemned the condemners as compared to women. This is because 'Males are expected to challenge hierarchies to advance within them. Women have historically been expected to accede to authority, legitimate or not'.[111]

The claim of normality supports corporate offenders' attempts to deny criminality. As Benson perceptively notes, it allows them to distinguish themselves from street offenders whose crimes often involve conduct which is out of the ordinary.[112] It also reflects the misanthropic view of society that is held by white-collar offenders, where everyone is dishonest and self-interested and those who do not engage in legally questionable practices are naïve.[113] For the antitrust convicts in Benson's study, if all avenues towards obtaining profit were not pursued, then 'one is not really

[106] Cressey, *Other People's Money*.
[107] Klenowski et al., 'Gender, Identity, and Accounts' at 55.
[108] Ibid. at 64.
[109] Perri, 'White-Collar Criminals' at 223; M. L. Benson, 'Denying the Guilty Mind: Accounting for Involvement in White-Collar Crime' (1985) 23(4) *Criminology* 583 at 592–593, 594, 595–596 (looking at anti-trust violators, tax offenders and embezzlers).
[110] Stadler & Benson, 'Revisiting the Guilty Mind' at 505–506. See too Sutherland, *White Collar Crime* at 222–225.
[111] Klenowski et al., 'Gender, Identity, and Accounts' at 65.
[112] Benson, 'Denying the Guilty Mind' at 599.
[113] Perri, 'White-Collar Criminals' at 224; J. W. Coleman, *The Criminal Elite: Understanding White-Collar Crime*, 6th ed. (New York: Worth, 2006) at 207.

"in business"'.[114] This belief that corruption is endemic and necessary in business is not confined to corporate offenders. A 2013 survey of the Wall Street financial services sector undertaken by Labaton Sucharow, a New York-based law firm, found that 52 per cent of those surveyed believed that their competitors engaged in unethical or unlawful behaviour in order to gain a competitive edge and 29 per cent believed that it was necessary to do so in order to be successful in the industry. Indeed, 26 per cent believed that bonus structures within the industry incentivised such behaviour.[115] A subsequent survey of the US and UK financial services industries found that 47 per cent believed that their competitors engaged in unethical or illegal activity (increasing to 51 per cent where the respondent earned $500,000 or more per annum) and 33 per cent believed that bonus structures encouraged such behaviour.[116] A number of the participants in Klenowski et al.'s study spoke about learning the tricks of the trade from others when they began to work and that this entailed pushing the law to its limits and beyond.[117] Finally, Levi suggests that a sense of masculine entitlement may lie behind some corporate crime: 'they cannot face the inability to maintain a comfortable lifestyle following their anticipated bankruptcy'.[118] Klenowski et al. similarly found a strong sense of entitlement expressed by the men they interviewed.[119] From Connell's perspective, this sense of entitlement would be one of the side-effects of the patriarchal system, where men's status as men is sufficient merit for reward.

12.4 Conclusion

In this chapter I introduced the concept of hegemonic masculinity and considered its application in sociological and criminological literature. This was done to contest popular analysis after the recent crash that proposed the insertion of women into corporate governance structures

[114] Benson, 'Denying the Guilty Mind' at 593.
[115] Labaton Sucharow U.S. Financial Services Industry Survey, *Wall Street in Crisis: A Perfect Storm Looming* (July 2013) at 6.
[116] Labaton Sucharow & University of Notre Dame, *The Street, The Bull and The Crisis: A Survey of the US & UK Financial Services Industry* (May 2015) at 3.
[117] Klenowski, '"Learning the Good with the Bad"' at 471–472.
[118] M. Levi, 'Masculinities and white-collar crime' in T. Newburn & A. Stanko (eds.), *Just Boys Doing Business? Men Masculinities and Crime* (London: Routledge, 1996) 234 at 247.
[119] Klenowski et al., 'Gender, Identity, and Accounts' at 57.

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as the prophylactic against future recklessness in high finance. The sociological literature shows that it is not men, per se, who were responsible for the behaviour that enabled the crash. Instead it was the performance of particular forms of socially constructed and enforced masculinity that predominate in corporate environments. The criminological literature on neutralisation techniques illustrated not only that convicted offenders drew from cultural understandings of appropriate masculine and feminine behaviours but also that they drew from beliefs prevalent within their particular local subculture, namely their workplaces and the corporate sector. It also shows us that women can and do engage in corporate crime[120] and so are not immune to the temptations of the corporate sector simply by virtue of their sex. Taken together, this literature tells us that it is insufficient to 'add women and stir' and expect that corporate governance issues will be resolved. As O'Connor notes, 'rather than women changing corporations . . . corporations are more likely to change women' as 'occupational experiences will override socialized gender roles'.[121]

Accordingly, it is necessary to make visible the gendered nature of the problematic individual, group and corporate practices and reshape them at local, regional and ultimately global levels. This is because the gendered recklessness that was implicated in the recent recession was not unique to it or to individual bad apples. Gendered behaviour within corporations has played and continues to play a role in other ongoing economic, social and environmental harms. As Collinson and Hearn note (albeit with a focus on men rather than masculinities),

> it is . . . important to examine the *consequences* of men's continued dominance of organizational processes . . . [such as] the lack of long-term vision in policy, strategy or investment decisions, low employee morale, poor communication and negative working relationships, the absence of research and design initiatives (e.g. regarding ecological issues), the increasingly large salaries of senior managers and board members and even the proliferation of white collar crime.[122]

[120] As with crime more generally, men disproportionately represent the majority of corporate offenders and when women are involved in corporate crime they tend to profit less. For an interesting discussion see Steffensmeier et al., 'Gender and Twenty-First-Century Corporate Crime'.

[121] O'Connor, 'Women Executives' at 475. See also Ch. 7, Section 7.5 on the importance of moving away from the mere symbolic representation of women on boards to a changed model where women are active participants at board level.

[122] D. Collinson & J. Hearn, 'Naming Men as Men: Implications for Work, Organization and Management' (1994) 1(1) *Gender, Work and Organization* 2 at 17. Emphasis in original.

In order to address the behaviours identified in this chapter, which are but one manifestation of the problematic gendering of corporate culture, it is necessary to focus on the specific environment in which these behaviours are enacted and change the conditions that foster them. Gobert and Punch's promotion of the socially responsible company, conceived of with a view to reducing corporate crime, may provide a model for doing so.

Gobert and Punch propose individual self-regulation, where companies are responsible for monitoring themselves, subject to oversight by professional or statutory reviewing bodies.[123] This may not seem like a radical reform because internal compliance officers and other safeguards are common in companies, yet unsustainable, unethical and sometimes illegal practices persist. There are many reasons for this, including the fact that the benefits of breaching laws often outweigh the costs of being caught[124] and that compliance officers often lack clout within organisations or are beholden to them.[125] However, if compliance officers were able to draw external support from 'representatives of non-governmental organisations . . . public interest groups, worker associations and other "stakeholders"'[126] whose interests are not solely focused on short-term goals like profit-generation, then they would be more effective at identifying and stopping unethical and unsustainable business practices at individual, group and corporate levels. Gobert and Punch also suggest that stakeholders could be appointed to boards of directors or given powers to institute legal proceedings 'as representatives of the public interest to hold directors to their fiduciary obligations, including those to society'.[127] Such an interference in corporate governance structures is warranted, they believe, because companies are given various rights and privileges by the State, in exchange for which they should be obligated to conduct business in a socially responsible manner.[128]

[123] J. Gobert & M. Punch, *Rethinking Corporate Crime* (London: Lexis Nexis, 2003) at 325.

[124] See, e.g., T. Newburn, *Criminology*, 3rd ed. (Abingdon, Oxon: Routledge, 2017) at 425; N. Groombridge, 'Masculinities and Crimes against the Environment' (1998) 2(2) *Theoretical Criminology* 249 at 249–250.

[125] Gobert & Punch, *Rethinking Corporate Crime* at 329–330.

[126] Ibid. at 331.

[127] Ibid. at 345.

[128] Ibid. at 342. In order to protect public interest directors from the possible effects of groupthink, where the search for consensus in small groups can override independence, I would recommend that they be appointed for one-off time-limited terms. For a useful summary of the literature on groupthink see O'Connor, 'Women Executives' at 495–497.

This externally supported pressure on companies to act responsibly, in addition to encouraging more socially and environmentally sustainable corporate practice at the regional and possibly global level if the companies operate multinationally, would also push corporations towards more ethical behaviour in their daily internal operations through the adoption of positive (codes of ethics and best practice) and negative (anti-sexism, anti-racism and anti-bullying policies) self-governance mechanisms. On a practical level, the enforcement of these codes would be particularly effective if bonuses and promotions were linked to them[129] rather than primarily to the ability to generate profits, which, as approximately a quarter to a third of respondents to the Labaton Sucharow surveys believe, is conducive to illegality.[130] If the prioritisation of profits does this, it is also likely to promote other practices that are less illegal but no less serious in terms of their social or environmental consequences. To further encourage compliance, the outcomes of disciplinary proceedings, including a summary of the facts that led to them, should be published to show that the company takes violations seriously.[131] A more ethical work environment will necessarily result in better working conditions for all employees, but particularly for women. This is because the problematic masculine-coded performances that have been considered in this chapter would no longer be tolerated, thus reducing or removing gendered barriers to women's advancement and ultimately leading to more women in corporate governance roles. This is an egalitarian good in and of itself independent of any financial benefit to the company or the economy[132] that is problematically assumed to derive from essentialist conceptions of feminine reasoning or from a gendering of the concept of corporate responsibility (and the consequent ghettoising of female executives in such roles[133]).

Obviously a self-regulatory approach is not the panacea to corporate governance issues; as noted previously, various forms of corporate malfeasance continue despite the existence of compliance mechanisms. Nonetheless, there are good reasons to be optimistic about the usefulness of a self-regulatory approach as one of the means by which greater

[129] Gobert & Punch, *Rethinking Corporate Crime* at 324.
[130] See text accompanying fn. 114 and fn. 115.
[131] Gobert & Punch, *Rethinking Corporate Crime* at 333.
[132] See Ch. 6, Section 6.3.3. Indeed, as Lynch-Fannon notes, the economic and social justice benefits of equality are stronger arguments in favour of more women on boards than the benefits to the company itself. (Sections 6.2 and 6.3.1–6.3.2).
[133] O'Connor, 'Women Executives' at 470.

corporate sustainability can be achieved.[134] The literature reviewed in this chapter shows us that corporate actors are part of corporate and societal culture rather than autonomous individuals who stand apart from it, and as such they will respond to norm-setting cues in their social environment. Indeed, as professionals who have frequently invested time and effort in order to position themselves to attain success through respectable means – employment in the corporate sector – corporate actors are ideal candidates for normative measures designed to nudge them towards socially, economically and environmentally sustainable behaviour. To return to Connell, hegemonies are not immutable. Masculinities and femininities are relational and shifting, which means that corporate culture can be changed for the better if there is sufficient will to do so. At some point, the increasing economic, social and environmental costs of conducting business as usual will make such change imperative.

[134] Others could include the establishment of more publicly funded regulatory agencies to ensure that the self-regulation is effective, or increasing the funding to existing agencies, such as the Office of Corporate Enforcement. The recent collapse of a high-profile criminal case in Ireland, which has been blamed in part on inadequate resourcing, is evidence of the importance of not only having such offices but also of ensuring that they are able to properly pursue prosecutions. For a history of the case and its faults see C. Kenna, '"Get Seánie": The Prosecution of Seán Fitzpatrick' (27 May 2017) *Irish Times*.

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To Katarina, and to Zoë, Tim and Grace