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Patriarchy and the Structure of Employment in Criminal Justice: Differences in the Experiences of Men and Women Working in the Legal Profession, Corrections, and Law Enforcement

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ABSTRACT

Feminist scholars have long argued that patriarchy affects the structure and organization of society as well as the lived experiences of men and women. Though often referenced in discussions of gender differences in crime and justice, few have articulated more specifically the link between patriarchy and gender differences in the experiences of men and women as victims, offenders, or workers. We take up the challenge to theorize patriarchy and examine the extent to which it operates as an organizing principle with regard to employment in the criminal justice system. We consider differences in the representation of men and women working in the legal profession, corrections, and law enforcement, as well as the culture and structure of these workplace environments. We argue that patriarchy is a useful midlevel theoretical concept that helps explain both quantitative and qualitative gender differences in criminal justice work. This study complements the "doing gender" approach by focusing on gender at the institutional level and describing how the culture and structure of the criminal justice system shapes and constrains the experiences of individuals occupying social roles within it.

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Feminist scholars have long argued that patriarchy affects the structure and organization of society as well as the lived experiences of men and women. A great deal of work has focused on macro-level, societal issues, such as the origins of patriarchy, its relationship to capitalism, and its impact on power and the division of labor within the public and domestic spheres. However, aside from general discussions of gender and the workplace, there have been few attempts to assess the extent to which evidence of patriarchy can be seen in the *structure* and *organization* of activities and social roles in social institutions such as the criminal justice system. Yet Walby (1989, 1997) stresses the importance of focusing at different levels of abstraction to better understand patriarchy and gender relations in society. Similarly, Acker (1992) argues that organizational structure is not gender-neutral; instead, it is gendered with male dominance and masculinity pervading organizational processes. Given this, theory and research on gender and organizations is important (Acker, 1992; Hearn & Parkin, 2001). We take up the challenge by assessing the extent to which patriarchy functions as an organizing principle in a specific social institution – the criminal justice system. We ask – and attempt to answer – whether evidence of patriarchy be seen in the structure and organization of criminal justice work, and in the experiences of men and women pursuing and working in criminal justice professions.

Since the 1960s and the second wave of the women's movement, the criminal justice system in the U.S., like other social institutions, has made changes. On the face of it, the culture is gender-neutral, and policies regarding recruitment and employment have been adopted to ensure equal access and treatment for men and women. We now see gender-neutral nomenclature and policies, and for the most part, efforts to actively restrict women's employment in the legal profession, law enforcement, and corrections have ceased. However, upon closer scrutiny, it appears that little has actually changed, with the masculine culture that characterized American criminal justice throughout its history persisting, and we attempt to provide evidence of this throughout this paper. Efforts to promote equality and eradicate

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sex discrimination are only superficial if they do not deal with the underlying culture and structure, which are the real source of the problem. As Chesney-Lind (2006) notes, attention and vigilance to the experiences of women working in different elements of the criminal justice system is important. Developing an accurate understanding of the culture and social structure, and how they shape and constrain the experiences of men and women working in the criminal justice system, is critical for addressing inequities and making meaningful changes.

Historically, criminologists have shied away from incorporating the concept of patriarchy into their theories and research because it is difficult to measure and theorize (Ogle & Batton, 2009). Instead, most criminological research on gender differences has favored a "doing gender" approach whereby gender differences are explored and understood by focusing on how individuals enact social roles as situated action (Garcia, 2003; Miller, 2002; Morash & Haarr, 2012; Rabe-Hemp, 2009).[1] We suggest, however, that patriarchy is important and helpful in understanding how social structure shapes and constrains the opportunities and experiences of individuals occupying social roles within the criminal justice system. Therefore, we depart from the "doing gender" approach and opt instead for an institutional-level focus, which allows for a more complete understanding of the extent to which patriarchy may be functioning as an organizing principle resulting in gendered experiences. These approaches are not oppositional; they merely represent different frameworks for examining the significance of gender.

In the following, we look at differences in the experiences of men and women working in criminal justice professions from the perspective of patriarchy. As Chesney-Lind (2006, p. 9) summarizes, "patriarchy is a sex/gender system in which men dominate women and what is considered masculine is more highly valued than what is considered feminine." Patriarchy is a system of stratification

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[1] See Miller (2002) for an overview of the "doing gender" approach with regard to studying gender and street crime, which is largely attributed to Messerschmidt's (1993) *Masculinities and Crime,* as well as a review of the strengths and weaknesses of the approach. Additional information can also be found in Garcia (2003) in her study of women and policing.

employing social control policies and practices to legitimate masculinity and institutionalize male power[2] (Chesney-Lind, 2006; Ogle & Batton,, 2009; Walby, 1989). In this paper, we consider how patriarchy impacts the structure and organization of employment in the criminal justice system, which affects the representation of men and women in different criminal justice professions (i.e., quantity) as well as the nature of work and opportunities that they are afforded (i.e., quality). Our analysis demonstrates that patriarchy is useful as a mid-level theoretical concept that helps in describing and explaining gender differences that exist in criminal justice professions in the U.S.

Importance of Mid-level Theorizing

There is a paucity of research on women working in the criminal justice system (Ireland & Berg, 2006). The majority of that research is descriptive rather than explanatory, and it attempts to identify or enumerate differences in the presence and experiences of men and women in criminal justice. However, there tends to be little discussion of *why* women's experiences differ from those of men. For example, research on female lawyers has highlighted income differentials, practice differences, and sexual harassment and discrimination (Werner, 2004; Williams & Richardson, 2010), but fails to provide an adequate explanation of why these differences exist. A similar situation exists with research on women in policing and corrections.

Mid-level theories are critical for understanding the link between social structure and individual agency in that they allow us to explain why these differences exist. They provide a framework for considering the impact of social institutions on the lived experiences of men and women. Social institutions impose order and structure on the lives of individuals that is manifested in identifiable patterns and regularities. We build on Walby (1989, 1997), arguing that this is a function of patriarchy and that it can be theorized to enhance research on courts, policing, and corrections, and our knowledge of gender differences within these areas. Similarly, Acker (1992, p. 567) uses the term "gendered

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[2] See Ogle and Batton (2009) for an in depth discussion of the conceptualization and definition of patriarchy and its utility as a theoretical concept in criminology.

institutions" to refer to the idea "that gender is present in the processes, practices, images and ideologies, and distributions of power" in different areas of social life. Such institutions are "historically developed by men, currently dominated by men, and symbolically interpreted from the standpoint of men in leading positions" (Acker, 1992, p. 567). Criminal justice is largely an institutionalized set of cultural norms and social structures organized around white masculinity (Morash & Haarr, 2012). Examining the culture and social structure of the criminal justice system is consistent with feminists who argue it is not possible to understand the experiences of women, their opportunities, and their navigation of the criminal justice system on a day-to-day basis without considering how it is affected by the patriarchal nature of these social institutions (Carrabine & Longhurst, 1998). It is also consistent with institutional perspectives that emphasize the influence of the broader institutional context on individual agency (DiMaggio & Powell, 1991; Hearn & Parkin, 2001).

The organizations that comprise the criminal justice system are gendered in that cultural norms develop and perpetuate the hyper-masculine organizational operations, even though they often also have "zero tolerance" policies with regard to gender discrimination (Crank, 2004; Poteyeva & Sun, 2009; Schulze, 2010). According to Hearn and Parkin (2001, p. 4), "[g]ender and gendered power relations are major defining features of most, perhaps all, organizations…they are not just embedded in gender but entreated, soaked in, pervaded and constituted by and through gender." The patriarchal culture and structure of work in the legal profession provide a framework for understanding the basis and continuation of these disparities. The impact of patriarchy on the structure and organization of work is manifested in both horizontal and vertical segregation, dimensions of occupational gender inequality biased in favor of men. Throughout this paper, we argue that evidence of patriarchy can be seen by the horizontal and vertical segregation of women employed in the legal arm, corrections, and policing sectors of the criminal justice system. Horizontal segregation refers to the distribution of men and women across occupations whereas vertical segregation refers to differences in the status of men's and women's positions within occupational fields (Charles, 2003,). Charles (2003) notes that both are rooted in cultural principles pertaining to gender Horizontal segregation stems from the tenet that women are naturally

more proficient at service, nurturing, and social interaction, and men at work requiring physical strength and interaction with things. Vertical segregation stems from the tenet that male traits and characteristics are more status worthy, thus, men are more appropriate for positions of authority and dominance than women. These phenomena have been nicknamed "glass walls" and "glass ceilings," respectively (Guy & Newman, 2004), because of the seemingly invisible manner they hinder women's professional advancement and contribute to the maintenance of a patriarchal workplace environment. Below, we discuss how patriarchy produces glass walls and glass ceilings within the courts and legal system, corrections, and policing within the criminal justice system, as well as how patriarchy shapes culture within these institutions.

Courts and the Legal Profession

The courts are a social institution created to manage the application of law in society. According to feminist criminologists, the law is a social institution created by men to protect the interests of men (Rifkin, 1980). Though feminist perspectives vary in terms of the extent to which they see the maintenance of male power and authority as the primary function of the law,[3] they agree that the law in capitalist society is patriarchal in its nature and its application in that it protects and serves the interests of men while subordinating the interests of women. It is noteworthy in this regard that just under half of law school students and graduates are women, yet they remain underrepresented among attorneys, judges, and as partners in law firms (American Bar Association (ABA), 2017; McGinley, 2009; Noonan & Corcoran, 2004; Pierce, 1995; Werner, 2004). The number of female attorneys has increased dramatically over time (from 3% in 1971), but in 2015, only 34.5% of attorneys in the U.S. were female (ABA, 2017; Bureau of Labor Statistics (BLS), 2017; Hull & Nelson, 2000). Additionally, female attorneys are paid significantly less (20-25%) than their male counterparts at all ranks (Noonan & Corcoran, 2004; Werner, 2004;

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[3] Radical feminists would argue that the protection of male supremacy is a primary function of the law, but Marxist feminists would assert that the protection and preservation of the capitalist economic system is primary and the subordination of women secondary.

Williams & Richardson, 2010; Women Lawyers of Utah, 2010). According to the American Bar Association (2017), in 2015, male lawyers earned an average weekly salary of $1,914 compared to $1,717 for female lawyers.

Horizontal segregation is evident at two levels in the legal profession. First, men tend to occupy positions of power and authority and women tend to occupy support roles. Judges and attorneys are overwhelmingly male while secretaries, clerks, paralegals, and court reporters are overwhelmingly female (BLS, 2017; Pierce, 1995). In 2015, women constituted 85% of all paralegals and legal assistants and 76% of miscellaneous legal support workers, yet only 34% of practicing attorneys (BLS, 2017). Women also comprise only 22% of law firm partners and between 29% and 37% of state and federal judges (ABA, 2017). As Guy and Newman (2004, p. 291) note, "women hold staff posts and men hold line posts." In addition to being concentrated in less prestigious, support positions, women are also compensated less for their work. For example, the most recent available data[4] indicates that while male paralegals and legal assistants had median weekly earnings in 2012 of $919, the comparable figure for females was $865 (BLS, 2014).

Horizontal segregation results in lower pay and fewer advancement opportunities as women are concentrated in positions characterized by limited self-direction and upward mobility (Hull & Nelson, 2000; Werner, 2004; Williams & Richardson, 2010). For example, attorneys can advance to become judges or politicians, but administrative assistants and paralegals, which are predominantly female, have few, if any, advancement opportunities, and though they may be quite knowledgeable about the profession, they lack the credentials to be attorneys. Consistent with Charles (2003), we argue that patriarchal cultural tenets defining women as naturals at service and support, and men at leadership and decision-making, perpetuate gender segregation and inequality in the legal profession. "The fact that women serve men is one of the central features in these work environments" (Pierce, 1995, p. 29).

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[4] Data for 2015 was unavailable for this category among men.

Horizontal segregation can also be seen as male and female attorneys become concentrated in different types of positions and areas of the law (Bolton & Muzio, 2007; Kornhauser, 2004). Despite similar levels of educational preparation and comparable interests, male law school graduates are more likely to go into private practice while their female counterparts accept public sector positions (Coontz, 1995; Hull & Nelson, 2000; Krakauer & Chen, 2003; Martin & Jurik, 2007). This results in a gender gap in earnings, as positions in private firms are generally higher salaried than those in government (Coontz, 1995). Over time, the gap is exacerbated as women leave private firms at a higher rate than males, and conversely, males leave public positions for work in private firms (Hull & Nelson, 2000). Segmentation also occurs as women and men pursue not just different, but differentially *valued*, areas of the law. Female attorneys tend to be concentrated in less prestigious, less lucrative areas of law (e.g., family, employment) (Bolton & Muzio, 2007; Kornhauser, 2004). In contrast, male attorneys are more often found in more lucrative and prestigious areas of law (e.g., business, corporate, commercial) (Bolton & Muzio, 2007; Krakauer & Chen, 2003).

The legal profession is also characterized by vertical segregation in that positions of power and authority are predominantly held by men while women are concentrated in lower level positions (Bolton & Muzio, 2007; Hull & Nelson, 2000).[5] According to the American Bar Association (2017), in 2016, female attorneys comprised about 45% of associates, but only about 22% of partners, and 18% of equity partners. Even with comparable qualifications, men are about twice as likely as women to achieve the level of partner (Noonan & Corcoran, 2004; Werner, 2004). The marginalization of women is even greater in large law firms and corporations, where women account for only 18% of managing partners in the country's 200 largest firms and under 25% of general counsel for Fortune 500 and 501 corporations (ABA, 2017). Not only are female attorneys less likely to advance professionally, but they are also compensated at a lower rate earning, on average, 89% of what men in comparable positions make (ABA, 2017; BLS, 2017).

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[5] Horizontal and vertical segregation are not mutually exclusive, as they are both rooted in cultural principles pertaining to gender and unequal distributions of power and authority among men and women (Charles, 2003).

Not surprisingly, women are underrepresented among the judiciary as well. Today, women hold only 27% of state and federal court judgeships (ABA, 2017). Martin and Jurik (2007) note that women are disadvantaged in becoming judges as they are underrepresented on law school faculties and they are slower and less likely to become partner in a law firm. Furthermore, men act as gatekeepers, insuring the preservation of the patriarchal structure of the legal system in that the judge selection and appointment process tends to be carried out by males, who disproportionately occupy the upper echelons of the legal community and political offices involved in decision making. For some, a male candidate's gender is an unwritten qualification for the bench (Martin & Jurik 2007). Also, female attorneys often lack mentoring compared to their male counterparts, and thus, have limited access to insider networks leading to judicial appointments and leadership roles (Durant, 2004).

In addition to the aforementioned structural characteristics of the legal profession that disadvantage women, its culture is also patriarchal in nature. For example, law firm associates are typically expected to work extremely long hours, a norm that Bolton and Muzio (2007) note symbolizes professionalism in a masculine sense. However, women are disproportionately responsible for domestic responsibilities (Noonan & Corcoran, 2004), and may not be able to work 10-12 hour days because of familial duties that constitute what Hochschild (1989) refers to as the "second shift." Women are also more likely to take a leave of absence for the birth of a child or to care for a family member, which can result in gaps in employment or an interrupted work record (Hull & Nelson, 2000; Krakauer & Chen, 2003). As a result, women's level of commitment may be questioned if they fail to demonstrate "appropriate" levels of dedication by their presence in the office, which can hinder their ability to advance professionally and result in being driven out of the work setting (Bolton & Muzio, 2007; Hull & Nelson, 2000; Krakauer & Chen, 2003; McGinley, 2009). Policies may appear to be gender-neutral with regard to work schedules, time off for family emergencies, promotion, and retention expectations, but they differentially impact and marginalize women, who shoulder responsibility for family duties (Noonan & Corcoran, 2004).

The influence of the patriarchal culture of the legal profession is further highlighted by research indicating that female attorneys are less likely to advance professionally than males, regardless of their marital status or if they have children, suggesting that women are negatively affected by the legal culture in other ways as well (Noonan & Corcoran, 2004). For example, women are less likely to be perceived as competent as men, and their successes are more often attributed to luck whereas men's are attributed to talent and ability (Women Lawyers of Utah, 2010). Also, while men are assessed based on their potential, women are only deemed competent after they have proven themselves. Women in law are also more likely to experience sexual harassment and discrimination, and to be patronized and subjected to comments about their looks, appearance, and abilities by other lawyers, judges, and clients (Coontz, 1995; MacCorquodale & Jensen, 1993; Willams & Richardson, 2000). They are subjected to sexist jokes, which aid in marking in- and out-group boundaries (i.e., jokes are typically about out-groups) and testing loyalty to the in-group as others watch a woman's reaction (MacCorquodale & Jensen, 1993). Taken together, these issues result in a degrading, hostile environment for female attorneys, and many leave the profession, opting (and sometimes forced) to pursue careers in related fields (McGinley, 2009; Noonan & Corcoran, 2004).

Corrections

The second sphere of criminal justice we review using the lens of patriarchy is corrections. The most recent statistics indicate that women comprise 26% of staff in federal institutions and 33% of staff in state institutions, and serve in a variety of positions (Bureau of Justice Statistics (BJS), 2008; Federal Bureau of Prisons, 2014). Male employees also outnumber women employees by a ratio of 2:1 (BJS, 2008). Historically, corrections has been characterized by horizontal segregation in that women were concentrated in positions traditionally defined as appropriate for females, such as clerical or secretarial positions, nursing staff, and other support roles, while men occupied security and administrative positions (Lawrence & Mahan, 1998; Matthews, Monk-Turner, & Sumter, 2010). In the 1970s, women gained access to custodial positions in men's facilities, and the most recent data available indicate that they

comprise about 12% of correctional officers in federal[6] facilities and 25% in state facilities (BJS, 2008). In 2015, women constituted almost 24% of bailiffs, correctional officers, and jailers, and had median weekly earnings of $686 compared to $779 for males, making 88% of what males make (BLS, 2017). Still, women are disproportionately likely to work in community-based rather than confinement facilities. In 2000, almost 33% of confinement facility correctional officers were women compared to 40% of community-based institutions (BJS, 2003); even when working inside of correctional facilities, women are more likely to work in women's institutions than men's institutions. Horizontal segregation continues even now – in 2015, 55% of probation officers and correctional treatment specialists were women (BLS, 2017). Though women are underrepresented in correctional positions of all types, we focus on their experiences in nontraditional, highly masculine work roles (e.g., correctional officers, probation officers, parole officers) historically dominated by a male workforce.

Women have worked as correctional officers at female institutions for years, but it was not until the 1970s, following a series of federal acts and commission recommendations[7], that the glass wall came down and they gained access to custody and security positions in men's prisons (Dial, Downey, & Goodlin, 2010; Lawrence & Mahan, 1998). Administrators and male staff members at male institutions strongly opposed allowing women into their ranks, arguing they were physically vulnerable and that their presence would put them and their male coworkers at risk (Carlson, Thomas, & Anson, 2004; Tewksbury & Collins, 2006). Opposition was also rooted in inmate privacy concerns (e.g., shower, toilet, and dressing areas, pat searches). Ultimately women's employment rights took precedence in a series of landmark decisions (e.g., Forts v. Ward (1980), Bagley v. Watson (1983), Grummett v. Rushen (1984))

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[6] Tewksbury and Collins (2006) note that while women were first hired as correctional officers in federal facilities in 1975, the Federal Bureau of Prisons soon after restricted women in such positions to minimum security institutions following a number of violent incidents against female staff. In 1992, policies were again changed to allow women to work as correctional officers at high security level institutions.

[7] The following were particularly important in paving the way for women to work in custodial and security positions in corrections: the 1969 Joint Commission on Correctional Manpower and Training, the 1972 Title VII Amendment to the 1964 Civil Rights Act, which prohibited sex discrimination by the government, the 1973 National Advisory Commission on Criminal Justice Standards and Goals, and the 1976 American Correctional Association Affirmative Action Policy, which encouraged the recruitment and hiring of women (Lawrence & Mahan, 1998; Zimmer, 1986).

(Lawrence & Mahan, 1998), though not without opposition. In *Dothard v. Rawlins*, the U.S. Supreme Court upheld Alabama's ban on women from a men's maximum security prison because of the dangerous atmosphere and risk it posed to female employees. Rather than address the prison violence problem, women's employment rights were restricted (Lawrence & Mahan, 1998), illustrating the pervasive influence of patriarchy.

Despite women gaining access to custody and security positions nearly 40 years ago, corrections remains a highly patriarchal institution, as evidenced by its masculine culture and structure. Culturally, corrections is characterized by a hyper-masculine environment and the assumption that corrections is men's work and that women are inherently disadvantaged (Britton, 1997), which has contributed to horizontal segregation, or the lack of women in custody and security positions in corrections.[8] Women are seen as disadvantaged in terms of their physical size and strength (Carlson et al., 2004; Chenault, 2010; Farkas, 1999; Tewksbury & Collins, 2006; Zimmer, 1986). Male correctional officers argue that this places both male and female officers at risk (Lawrence & Mahan, 1998; Pogrebin & Poole, 1997). As a result, female correctional officers face a hostile work environment where they report not being taken seriously, subjected to greater formal and informal controls, and having to work harder to obtain respect from coworkers, supervisors, and inmates (Chenault, 2010; Ireland & Berg, 2006). Women are also discriminated against by coworkers and supervisors, as they are more often assigned noncustody or noncontact job assignments, restricted in terms of job training opportunities, and subjected to outright sexual harassment (Britton, 1997; Lawrence & Mahan, 1998; Matthews et al., 2010; Pogrebin & Poole, 1997; Zimmer, 1986). Even when gender differences in job assignments stem from policies intended to prevent sexual assault and protect inmate privacy, and are arguably gender-neutral, they can undermine women's authority with inmates and staff, and cause resentment among male coworkers who have to cover duties such as body searches.

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[8] We suggest that horizontal segregation has also led to the overrepresentation of women in custody and security positions in women's institutions and facilities.

Kanter's (1977) discussion of tokenism provides a framework for understanding the experiences of female correctional officers, especially those working in male facilities. As a result of their token status and relatively small numbers, female correctional officers stand out in the workplace, where they are subject to heightened scrutiny and more critical evaluation, (Lawrence & Mahan, 1998; Matthews et al., 2010; Zimmer, 1986). Role conflict is acute for women. According to Pogrebin and Poole (1998), males tend to see the correctional officer role as inherently masculine, and thus, coworkers are expected to be tough, strong, and assertive. To be judged competent and effective, women must fulfill these expectations, yet in doing so, their behavior conflicts with gender role norms and threatens males' masculinity. Britton (1997) notes that a similar phenomenon happens when women join the military: they are argued to be unsuitable or incapable, but if they perform effectively, they are labeled as "masculine" or "lesbian" (i.e., not "real women"), which allows men to maintain their sense of masculinity (Britton, 1997, p.800). An important consequence is a sexualized work environment where discrimination and sexual harassment intimidate women and let them know they are unwelcome in the work environment (Pogrebin & Poole, 1997).

The structure of administration and work in corrections is also patriarchal in nature. Corrections is administratively characterized by a hierarchical, paramilitary structure (Britton, 1997; Farkas & Manning, 1997). This affects the culture, which is rule-oriented and punishment-centered, and both staff and inmates are expected to respect and submit to authority without question (Farkas & Manning, 1997).The structure of work itself is also patriarchal and contributes to horizontal segregation in corrections as it is biased in favor of men. More specifically, correctional work is typically organized in shifts (i.e., day, evening, night) assigned on the basis of seniority with the most desirable shifts going to those with the longest tenure in the job. As a result, evening and night shifts are often required, especially at entry levels. It is generally more difficult for women to enter careers requiring shiftwork, especially if they are married or have children, as they are more likely to be responsible for "second shift" responsibilities at home (Hochschild, 1989; Martin & Jurik, 2007). Also, balancing work and home responsibilities is difficult when shifts change periodically, especially for single mothers who must arrange for childcare (Matthews

et al., 2010). Probation and parole officers provide another example in that they are often on call around the clock with only one weekend a month off in many places. Officers must be ready to respond to emergencies at unpredictable times of the day and night, and women with families are less likely to have the flexibility needed for this type of job.

The structure of work also hinders the ability of women to promote to supervisory and administrative roles (Martin & Jurik, 2007), as they may be perceived as unable to commit to or perform all aspects of the job (Britton, 1997). Though data on women in corrections administration is scarce, available figures support the description of corrections as vertically segregated in that supervisory and administrative positions are dominated by males (Martin & Jurik, 2007). According to the American Correctional Association, in 2005, women were wardens or superintendents in 23% of adult facilities and 32% of juvenile facilities (Gondles, 2005). More recent Bureau of Labor Statistics (2017) data indicate that 31% of first-line supervisors of correctional officers are women. While this represents progress, it also highlights the impact of the patriarchal culture and structure of corrections.

Though women working in corrections have and continue to face a number of challenges, research indicates they are effective and have had a positive, normalizing influence (Petersen, 1982; Tewksbury & Collins, 2006). For example, female staff are associated with lower inmate-staff assault rates (Rowan 1996; Zimmer, 1987), and female officers are no more likely to be assaulted or injured than male officers (Lawrence & Mahan, 1998). Their presence has also been associated with fewer worker compensation claims, reduced violence, and less conflict in general (Rowan, 1996). Research indicates that female correctional officers are more likely to rely on verbal and communication skills in their work whereas males are more likely to threaten or use physical force (Dial et al., 2010; Hogan, Lambert, Hepburn, Burton, & Cullen, 2004; Pogrebin & Poole, 1998; Zimmer, 1986, 1987).[9] Despite this, when provocation occurs, gender differences in the use of force by correctional officers disappear (Tewksbury

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[9] Ireland and Berg (2008) report similar findings in their study of female parole officers, noting that they emphasize communication and relationship building as a way to gain compliance over reliance on weapons.

& Collins, 2006), and in some cases, women are more strict and aggressive with inmates than their male counterparts (Farkas, 1999; Jenne & Kersting, 1996).

Law Enforcement

Like corrections, law enforcement is a male-dominated field (Franklin, 2005; Miller, Mire, & Kim, 2009) characterized both culturally and structurally by masculinity and patriarchal norms and values (Crank, 2004; Dodge, Valcore, & Klinger, 2010; Garcia, 2003; Martin & Jurik, 2007; Prokos & Padavic, 2002). Historically, policing has been conceptualized as "men's work" with an emphasis on physical force, aggressiveness, and dominance as central to law enforcement (Belknap, 2001; Crank, 2004; DeJong, 2004; Ireland & Berg, 2008; Lee, 2005; Lonsway, 2003; Poteyeva & Sun, 2009). Though significant advancements have been made with regard to women and policing, evidence of patriarchal influences persist.

Women have been employed as sworn police officers since the early 1900s (Lee, 2005). Early on, female officers were hired for jobs considered appropriate for women, such as those involving matron duties, working with females and juveniles, dealing with family issues, and providing clerical support to male officers (Garcia, 2003; Lee, 2005; Poteyeva & Sun, 2009; Rabe-Hemp, 2009). It was not until the 1970s, with the passage of the Equal Employment Opportunity Act, along with affirmative action mandates, that women began widely joining officer ranks (Grube-Farrell, 2002; Lee, 2005). Rabe-Hemp (2009) notes that debates about women's abilities as officers started only once women began to encroach on men's jobs and duties. Objections to women as officers were rooted in the presumed masculine nature of law enforcement (Poteyeva & Sun, 2009). Policing was described as inherently a "man's job" and women were argued to be unsuited based on their physical abilities, emotional stability, and capacity to do the job (Lee, 2005; Parsons & Jesilow, 2001). Strength and agility tests emphasizing upper-body strength and extreme endurance often supported the conclusion that women were not physically suited to police work, and it took legal action to prove that the tests did not accurately reflect the physical requirements of common police work (Lonsway, 2003; Martin & Jurik, 2007; Seklecki & Paynich, 2007).

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Though no longer barred from law enforcement, women today are still underrepresented, accounting for only about 26% of all employees and 12% of sworn officers in 2012 (Federal Bureau of Investigation (FBI), 2012).[10] Less than one-third (27%) of detectives and criminal investigators are female, and only 13% of police and sheriff's patrol officers are women (BLS, 2017). The proportion of women tends to be greatest in police agencies serving large populations (i.e., 15-18%) and relatively small in those serving small cities and rural areas (7-9%) (FBI, 2012). These differences also appear across agency type, with women comprising 12% of officers in local police departments[11], 11% in sheriffs' departments, and 7% of state police (BJS, 2010).[12] Interestingly, the proportion of female officers in federal law enforcement agencies is greater (15%) (BJS, 2010). This may be a function of less shift work, higher educational requirements, and the nature of work being more specialized and investigative, and involving fewer first response activities. While women have made gains in law enforcement, it remains a male-dominated field (Franklin, 2005; Poteyeva & Sun, 2009).

Patriarchy affects the structure and organization of work in law enforcement, resulting in both horizontal and vertical occupational segregation biased in favor of males. Like corrections, law enforcement typically involves shift work, and because officers bid shifts based on seniority, their work schedule is subject to change every 6-12 months. This differentially affects women, who are more likely to have domestic and child rearing responsibilities than their male counterparts (Schulze, 2010). First, shift work may coincide with the timing of "second shift" responsibilities (Hochschild, 1989), especially when women are early in their careers and working the least desirable shifts (i.e., evening, weekends). Second, childcare is less likely to be available during these shifts, and may not be available at all. In addition to affecting women already working in law enforcement, these issues likely reduce the number of women who even consider careers in policing, perpetuating the problem of horizontal segregation.

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[10] Most recent data available.

[11] According to the BJS (2010), the proportion of female officers varies with department size. Small police and sheriffs' departments only reported 6% and 4% for female officers, respectively, whereas large departments reported 15% and 13%, respectively.

[12] Most recent data available.

Women in policing also face horizontal segregation of a different nature to the extent that they are shuttled into positions (or opt in voluntarily perhaps to escape aspects of a hostile work environment) where they are given duties deemed appropriate for women (e.g., working with female or child victims) or as ostensibly requiring a feminine skill set (e.g., nurturing, interpersonal communication). This is supported by male officers' beliefs that women are less capable and ill-equipped to be authoritarian and perform masculine job duties (Crank, 2004; Franklin, 2005; Somvadee & Morash, 2008) and that they lack the fortitude and skills required for effective police work (Carlan & McMullan, 2010; Morash & Haarr, 2012). Kanter (1977) refers to this process as role encapsulation. As Gustafson (2008, p. 2) notes, by "defining special roles for tokens that set them slightly apart from dominant group members, role encapsulation perpetuates stereotypes and limits advancement opportunities." Women's segregation into these positions is problematic because it results in others, especially male officers, seeing them as unable or unwilling to perform all aspects of the job, which undermines their credibility and status as equals and may affect their ability to promote. Not only are women encouraged to work in areas deemed suitable for their unique talents, but they are also effectively excluded from areas such as specialized tactical units (e.g., SWAT) by tests emphasizing substantial upper-body strength and endurance and a hyper-masculine, warrior-like subculture (Dodge et al., 2010). As Martin and Jurik (2007, p. 82) note, "rather than being integrated into police work, women are being re-ghettoized into an enlarged pool of assignments considered appropriate for women."

The structure and organization of work also contributes to vertical segregation, or hierarchical inequality, with men dominating the high status positions in a field to the extent it impacts women's ability to promote (Charles, 2003; Martin & Jurik, 2007). For example, a promotion may result in being at the bottom of the hierarchy with regard to bidding for shifts. Women with "second shift" responsibilities at home may be unwilling or unable to move to a less desirable shift, even if it means a promotion in rank and bump in pay (Martin & Jurik, 2007). This is consistent with Wertsch (1998), who found that the female officers she studied reported family obligations as a deterrent to pursuing promotion. Also, a promotion may mean needing to be available around the clock and to have the flexibility to work when

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situations arise. Research indicates that policing is characterized by vertical segregation and that women have been slow to advance (Garcia, 2003; Martin & Jurik, 2007). According to the most recent data from the National Center for Women in Policing (NCWP, 2002), in 2001, women held less than 5% of supervisory and top command positions in small and rural police agencies, and less than 10% of such positions in large police agencies. Further, more than 55% of agencies reported having no women in top command positions and that the majority of female officers were concentrated in patrol and other low level line positions despite having performed as well or better than male colleagues (Lee, 2005; NCWP, 2002). Today, only 12.8% of first-line supervisors of police and detectives are women (BLS, 2017). Arguably, the masculine culture contributes to vertical segregation as much as the structural characteristics of police work. In fact, Lee (2005) found that regardless of their level of education, women tended to be "regarded as unfit for key administrative/supervisory positions in law enforcement" (p.67). Others report similar findings noting that women in law enforcement are generally found among the lowest ranks or in support staff roles (e.g., administrative assistants, civil clerks) (Ireland & Berg, 2006; Martin & Jurik, 2007).

Patriarchy affects the culture as well as the structure of law enforcement. Culturally, law enforcement is defined by hegemonic masculinity (Crank, 2004; Martin & Jurik, 2007; Prokos & Padavic, 2002; Rabe-Hemp, 2009). As previously noted, policing is perceived as requiring characteristics typically attributed to men (e.g., physical prowess, logic, stability of emotions), whereas characteristics commonly defined as feminine (e.g., compassion, empathy, strong emotions, nurturing) are perceived as weak, detrimental, and even potentially life threatening in police work (Lonsway, 2003; Parsons & Jesilow, 2001). "According to this paradigm, policing is best left to males, who are more physically capable of strenuous activity and better able to assert themselves to take control over difficult and stressful crime scene situations" (Ireland & Berg, 2008, p. 476). Given this view, it is not surprising that one of the primary issues raised about female officers is their physical capacity to do the job effectively (Dodge et al., 2010; Garcia, 2003; Lonsway, 2003; Prokos & Padavic, 2002), though Martin and Jurik (2007) argue that the basis for opposition to female officers is much broader and deeper.

Indoctrination into the masculine culture of law enforcement begins at the training academy (Crank, 2004; Martin & Jurik, 2007). Trainees are socialized to operate within an organization characterized by a paramilitary environment and to adhere to the chain of command (Chappell & Lanza-Kaduce, 2010). As Crank (2004, p. 230) notes, "[t]raining emphasizes physical conditioning, fighting, weaponry, all skills that are associated with traditional male roles." They are also socialized to adopt an authoritarian manner and to take charge of situations, forcibly, if necessary (Belknap, 2001). For example, officers may be encouraged to make an arrest or issue a citation rather than engage in problem solving or work toward lower levels of conflict resolution. In reality, a more cooperative and collaborative approach to dealing with issues and problems is arguably what is needed in community policing and community corrections (Ireland & Berg, 2008).

In consideration of the hyper-masculine culture and structure of police work, it is perhaps not surprising that women working in law enforcement often experience a hostile work environment and resistance from coworkers. The masculine nature of police culture is well established, and as Crank (2004) notes, masculinity functions as a solidarity theme, which helps maintain group boundaries. One consequence of the boundary maintenance function is the increased salience of masculinity in response to outsiders and perceived threats to the group. Boundary heightening often involves exaggerating or highlighting characteristics shared by the in-group that contrast with those of outsiders (Gustafson, 2008). For example, gender-related jokes and discriminatory comments are used to remind females of their differentness and to isolate them as tokens (Gustafson, 2008). Female officers are subjected to gender harassment, hostility, unwanted sexual attention, and sexual coercion, all of which function to highlight and reinforce the masculine nature of the workplace (Hassell & Brandl, 2009; Somvadee & Morash, 2008). This affects the ability to both recruit and retain female officers (NCWP, 2002).

The concept of tokenism further illuminates the experiences of women in policing (Seklecki & Paynich, 2007). According to Kanter (1977), groups whose numbers constitute a numerical minority in their organization are more visible, experience greater performance pressure, and are often marginalized. They are frequently in the "spotlight," where their work is more highly scrutinized and any error is

assumed to be characteristic of all women on the job (Martin & Jurik, 2007; Seklecki & Paynich, 2007). In groundbreaking work on this topic, Martin (1979) argued policewomen face dilemmas that arise from conflict between sex role norms and occupational norms, and adapt by behaving in a defeminized or deprofessionalized manner. The "defeminized" woman (or POLICEwoman) tries to gain acceptance by excelling professionally, being more reliable and productive than men and other women, and distancing herself from other women (Martin, 1979). In contrast, the "deprofessionalized" woman (or policeWOMAN) seeks acceptance by deferring to men's decisions and judgments, and accepting restricted work assignments and men's protectiveness (Martin, 1979). More recent research indicates that while some evidence of the "POLICEwoman/policeWOMAN" dichotomy persists, contemporary policewomen are increasingly adapting to the masculine workplace environment by seeing value in feminine skills and embracing what they bring to the job (Morash & Haarr, 2012; Rabe-Hemp, 2009).

Though policing has historically been characterized by masculinity, the shift to community policing has resulted in the need for skills and attributes traditionally considered feminine in nature, such as strong communication and interpersonal skills and care, empathy, and informality (DeJong, 2004; Martin & Jurik, 2007). This shift creates natural opportunities for women in policing, and in fact, female officers report seeing themselves as better at what they define as feminized forms of police work (e.g., responding to victims, community policing, dealing with children and juveniles) (Rabe-Hemp, 2009). However, others argue that defining some aspects of policing as masculine and others as feminine further segregates women in the workplace (Garcia, 2003; Martin & Jurik, 2007; Rabe-Hemp, 2009). This can affect women's mobility and opportunities for promotion within the agency, as they are less likely to be considered for assignments considered masculine, and therefore, may not acquire the experience needed to promote (Martin & Jurik, 2007).

Conclusion

A central thesis of this paper is that mid-level theorizing about patriarchy is lacking, yet is critical for understanding gendered experiences in society. To illustrate this point, we have examined differences

in how men and women experience employment in a major social institution in American society, the criminal justice system, and argued that the concept of patriarchy provides a useful and meaningful framework for examining both quantitative and qualitative gender differences in criminal justice work within the legal system, corrections, and law enforcement. By engaging in mid-level theorizing and focusing on a particular social institution, it is possible to see how it is embedded in the larger, patriarchal social structure of society. Though much has been gained from micro-level research, we argue that we cannot fully understand elements of the criminal justice system without considering the broader cultural and structural context, and the extent to which it shapes and governs day-to-day interactions and operations (Ogle & Batton, 2009). This is consistent with institutional perspectives that shed light on the embeddedness of organizations within the broader social and cultural context, and also the manner in which the culture and social structure of the institution shape and constrain individual agency (DiMaggio & Powell, 1991). Institutional perspectives also help us understand how values, structures, and ideas endure over time, as is the case with the criminal justice system (Crank, 2004).

This approach also highlights the centrality of gender to theorizing about the culture and structure of institutions and organizations. As Acker (1992) notes, organizations are not gender-neutral; instead, they are gendered. "This gendered reality is obscured, however, in the ways that institutions….are conceptualized and theorized in gender-neutral terms. Understanding how the appearance of gender neutrality is maintained in the face of overwhelming evidence of gendered structures is an important part of analyzing gendered institutions" (Acker, 1992, p. 568). Hearn and Parkin (2001, p. 9) further illustrate this point by noting that "[t]he internal workings of organizations are gendered in both the distribution of women and men, and the distribution of gendered practices." In consideration of this, it is not enough to approach the study of institutions with a feminist lens. Instead, we need to develop theories about work or organizations that consider how they are gendered from the start (Acker, 1992).

This paper demonstrates the gendered cultural and structural nature of the criminal justice system and the need for future research and reform to consider the impact of patriarchy on the experiences of both men and women working in the system. For example, efforts to recruit more women into criminal

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justice system professions may result in more female hires in the short term, but will have little effect in the long term if steps are not taken to address the culture women encounter in training and the work environment that is not only masculine in orientation, but is also often hostile toward women. Similarly, the organization of work and work-related policies need to be assessed from the perspective of patriarchy to identify and modify organizational elements that differentially impact women and undermine their ability to be successful. The articulation of policies and practices that are gender-neutral in appearance is not enough. Finally, just as a patriarchal framework illuminates the distinct experiences that men and women have in the criminal justice system as workers, it could also be useful in examining gender differences in the experiences of victims and offenders from their unique perspectives. As Chesney-Lind (2006, p.9) notes, theorizing patriarchy and crime needs to be a priority for criminology. Some excellent work has already been done in this area,[13] such as Messerschmidt's (1986) discussion of male and female criminality from the framework of patriarchy, and Chesney-Lind and Shelden's (2004) work on girls, delinquency, and their experiences in the juvenile justice system, to name a few. However, more work is needed in the face of conservative political backlashes that threaten to undermine the gains made by feminists since the 1970s (Chesney-Lind, 2006).

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[13] For an overview of the major important contributions of feminist scholarship to criminology, see Chesney-Lind (2006).

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