

Nicole Kolmstetter's Brookshire Project

A Tale of Two Lawyers: Extending Role Congruity Theory to Examine Gender Prejudice in Law Occupations

Role congruity theory, which states that prejudice arises from an incongruity between stereotypes of a person's gender role and occupational role, has been used to explain barriers to women in male-dominated fields. Indeed, men tend to be favored over women for masculine-typed jobs despite applicants possessing the same qualifications. In a masculine-typed job, a woman will often receive lower scores on her performance evaluations than her male counterpart, and even when they receive equal scores, women are often awarded a lower salary than men. Why then, do women appear to be having relative success in law—making up 38% lawyers and 51% of law students—when lawyer roles are considered to be highly masculine? Actually, these general statistics obscure the fact that the legal profession is resegregating along gendered lines and developing female-dominated subfields. Female lawyers are overrepresented in family and employment law, whereas male lawyers dominate corporate, criminal defense, and tax law. Extending role congruity theory to specific law occupations, my research investigated whether female and male lawyers face different amounts of prejudice and discrimination in different law subfields; this, in turn, may contribute to the resegregation of the legal profession. A pilot study found differences in the gendered stereotypes of eight law subfields and identified family law as the most feminine subfield, and criminal defense law as the most masculine subfield. In the main study, participants completed prejudice and discrimination measures for a female and male lawyer in those two subfields. Overall, results did not support role congruity theory. In fact, the female lawyer generally faced less prejudice and less discrimination in both the masculine and feminine law subfields as compared to the male lawyer. These unexpected results may have occurred because the female lawyer was implicitly compared to other women and the male lawyer to other men; as a result, due to stereotypes, the female lawyer appeared relatively impressive, but the male lawyer did not. Therefore, traditional gender stereotypes were actually active in the research along with the distinct stereotypes of law subfields, leaving open the possibility for role congruity effects to be found in future research. As occupational gender segregation is the primary reason for the gender wage gap, investigating this topic is essential to promote gender equality in occupations.