

# Models of professionalism and perceptions of gender discrimination in the legal profession

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**Abstract:** This chapter explores to what extent the early stages of a legal career are characterised by alternative models of professionalism, and how these models relate to perceptions of gender discrimination. Drawing on quantitative data collected in the context of a comparative study on lawyers in France and in Switzerland, our study reveals four models of professionalism: alongside archetypical ‘male-centred organisational’ professionalism, which assumes the paradigmatic professional to be male, there are alternative models that are differently characterised and distributed among men and women in the two countries. In the case of women, all these models are related to perceptions of gender discrimination. These results suggest that, for female lawyers, a shift away from the male professional norm is only marginally related to new forms of power and sources of legitimacy within the legal profession. However, they also reveal that, in the long term, women may play a significant part in contesting and challenging this norm. The chapter contributes to the ‘within’ dimension of professionalism in that it exposes how, against a background of the occupation becoming extensively feminised, masculine standards of professionalism continue to function as an internal form of social closure that perpetuates gender inequalities within this profession.

**Keywords:** gendered models of professionalism, perceived gender discrimination, male professional norm, diversification, segmentation, lawyers

## Introduction

The rapid, large-scale entry of women into the practice of law in recent decades has begun to challenge customs, standards, and patterns of behaviour within the legal profession (Macerollo 2008; Bolton and Muzio 2008; Sommerlad 2016). However, the feminisation of occupations often coexists with widespread gender discrimination based on entrenched masculinist practices and gender stereotypes that maintain male privilege in a profession (Sommerlad 2002; Bolton and Muzio 2008; Acker 2009; Tomlinson et al. 2013). This is also the case within the legal profession, where globalisation, structural reorganisation and demographic shifts have fuelled mechanisms that have consolidated existing gender inequalities (Faulcon and Muzio 2008; Ashley and Empson 2017). This process has been achieved through the implementation of organisational principles and practices that assume the paradigmatic professional to be male, hence excluding women –alongside other minorities– from full access to legal knowledge and power (Macerollo 2008; Tomlinson et al. 2013) as a result of prescribed routes to professional acceptance and recognised forms of professionalism. We refer to professionalism as a discursive strategy and rhetorical resource (see CH 1 in this volume) that has the power to socialise, motivate and control practitioners, particularly by realigning their individual professional identities, practices and procedures with organisational principles and corporate

priorities that benefit the ruling elites within a profession (Evetts 2003; Muzio and Tomlinson 2012). In law, the discourse of professionalism remains predicated on a masculine ideology, stamped with the image of the paradigmatic professional as a white, class-privileged, career-oriented and unencumbered male (Muzio and Tomlinson 2012; Tomlinson et al. 2013; Sommerlad 2016). The commitment to this male-centred model of professionalism has been reinforced by recent developments within the legal profession (Sommerlad 2016; Santos 2018), which have implications for female lawyers, who are increasingly expected to conform to this model and are heavily penalised when they fail to do so, notably by being denied professional recognition, career rewards and advancement (Muzio and Tomlinson 2012; Tomlinson et al. 2013).

In this chapter, we explore the extent to which women are able to challenge the male-centred model of professionalism, particularly through their awareness of gender inequalities. We inquire into the potential emergence of alternative, gendered, models of professionalism, and we emphasise the importance of women's perceptions of gender discrimination, particularly in relation to the organisational structure and culture of law firms that shape the contours of professionalism for lawyers (Wallace and Kay 2008). The pillars of the male-centred model of professionalism, such as the culture of long working hours and a linear progression to rise to senior ranks, are major sources of gender discrimination based on the stereotypical opposition between professionalism and care responsibilities, with the latter generally ascribed to women (Macerollo 2008; Sommerlad 2016). When aware of this, women's perceptions of discrimination may lead them to comply differently with the male-centred model of professionalism and to react by developing alternative models of professionalism, helping to diversify professional models and to reduce gender hierarchies within the legal profession.

Drawing on the analysis of the quantitative data collected during a comparative study on lawyers in France and Switzerland, we investigate to what extent the early stages of a legal career are characterised by competing models of professionalism, and how these alternative models relate to perceptions of gender discrimination. Our focus on lawyers in the early stages of their careers is particularly interesting, since it enables us to show that the male-centred model of professionalism continues to attract aspiring lawyers, and to discipline them once in practice (Sommerlad 2016; Santos 2018). Our aim is not to engage in a debate on whether female lawyers can be considered as professional as their male counterparts, but rather to study whether they endorse different models of professionalism, and to explore whether or not these differences have any relation to perceptions of gender discrimination. Our ultimate aim is to explore whether having an awareness of gender inequalities may potentially serve as leverage for contestation and change. Although the male-oriented model of professionalism dominates within the legal profession, this paradigm does not necessarily provide a fixed, coherent vision of what constitutes appropriate behaviour for a lawyer: it consists of multiple visions that reflect the different arenas in which they are produced (Wallace and Kay 2008). In fact, our results reveal four models of professionalism, characterised and distributed differently among men and women in the two countries, that are related to perceptions of gender discrimination only in the case of women. This chapter contributes to the analytical framework of this book by approaching professionalism as a discourse and looking at the different ways men and women incorporate and accommodate it in their work, exposing the redefinition of professional barriers *within* an established profession. It shows how, against a background of occupational feminisation, stereotypically masculine professional standards serve as an internal form of social closure that maintains gender inequalities in the legal profession.

## **1. Professionalism and gender inequalities in the legal profession**

Over the last two decades, new transnational patterns of professional work based on global professional standards have favoured the mutually reinforcing links between professional values and organisational structures, with professionalism becoming increasingly centred on organisational logics, practices and strategies (Noordegraaf 2007; Faulconbridge and Muzio 2008; Evetts 2011). In the legal profession, the restructuring of organisational and business models has marked a shift from individual professionals as the primary units of professionalism, to the law firm as the main locus of socialisation and control (Faulconbridge and Muzio 2008). The rise of mega law firms has triggered the rebuilding of legal work around a hypercompetitive organisational model, characterised by an increasingly intensive working ethos, more competition for clients, and even longer working hours (Sommerlad 2016).

All these aspects, which are widely reflected in the profession's male-dominated culture, have reinforced the lack of flexibility and the resistance to diversity in law practices, further penalising aspiring and established female lawyers. Tasks, responsibilities and rewards are based on the established male-centred work pattern, favouring the assignment of women to the least rewarding areas of work and career tracks (Sandefur, 2007; Sommerlad 2016), especially in the early phases of their careers, where formal criteria for the evaluation of individuals' professional merit and ability are based on their capacity to "fit in" (Rivera 2012). Likewise, the linear career model continues to serve as the guide for career advancement, and represents the traditional norm for professional success, for men and women alike (Macerollo, 2008; Tomlinson et al. 2013). Law firms continue to view deviations from this model as disruptive to the practice, leading to the marginalisation of women, and sometimes pushing them to leave legal practice altogether (Reichman and Sterling, 2004; Sommerlad, 2016; Kay et al. 2016). Against this background, it is possible to see how professionalism emerges as a normative discourse imbued with symbolic and disciplinary power. It is employed to retain and reproduce a gender order in professional work, and also acts as a normalising career device that legitimises the limited career prospects and professional recognition of female lawyers (Suddaby and Viale 2011; Saks 2012; Sommerlad 2016).

Stereotyping, reinforced by social hierarchies, structures how this discourse generates disadvantages for female lawyers, contributing to widespread gender discrimination in the legal profession (Sommerlad 2002; Le Feuvre and Lapeyre 2005; Nelson et al. 2019) and to a hegemonic, masculine-oriented definition of professionalism (Reichman and Sterling 2004). The combination of stereotypes regarding gender and the primarily family-oriented role ascribed to women plays a crucial part in producing and reproducing biases against women lawyers (Benard and Correll 2010; Byron and Roscigno 2014). The rhetoric of the incompatibility of law practice with caring responsibilities and the discourse of female domesticity continues to reinforce the construction of women as 'natural carers', as opposed to men, who are perceived as 'natural professionals' (Sommerlad, 2016). Female lawyers are hence seen as largely incapable of serving the organisational priorities of law firms. Through the further naturalisation of the synergy between masculinity and professional identity, organisational professionalism imposes a male-centred pattern of work, increasing the fragility of women's professionalism and the diversification of professionalism (Sommerlad, 2016).

Research in social psychology contends that women are more aware of workplace discrimination and that they are more likely to recognise collective disadvantage, especially when these are related to gender-based mistreatment, owing to their membership of a discriminated group (Gutek et al. 1996; McCord et al. 2018). Socio-legal studies confirm that female lawyers are more likely than their male counterparts to perceive discrimination in the workplace (Collins et al., 2017; Nelson et al. 2019). They are also likely to react more vigorously to it (Kay and Gorman 2008). For example, even when work-life balance policies are available, women often refuse to avail themselves of these measures (Sommerlad 2002;

Muzio and Tomlinson 2012), due to the potentially detrimental impact that options like flexible working time arrangements may have on their career prospects. Perceived gender discrimination hence represents an important element to consider, as it is rooted in the stereotypes and biases that contribute to the conflicts and obstacles that female lawyers experience when attempting to achieve professional recognition (Macerollo, 2008). The empirical analysis that follows explores how women are endorsing alternatives to the dominant male-centred professional model and the role that perceptions of gender discrimination play in this regard.

## 2. Methodology

**2.1 Comparative perspective** The current analysis draws on the quantitative data collected through an online survey that was administrated in the context of an international comparative research project studying the early careers and life-course trajectories of lawyers who entered the legal profession after 1998 in France and in the French-speaking part of Switzerland.<sup>1</sup> In our study, France and Switzerland were selected because they offer different societal gender regimes, enabling us to better contrast and highlight the dynamics under study. The term gender regime refers to the various social structures and normative expectations that shape gender relations and gender roles in a given society (Walby 2004), but also to the institutionalisation of gender inequalities in organisational settings (Acker 2009; Boni-Le Goff et al. 2019).

Under the Swiss ‘neo-maternalistic’ gender regime (Giraud and Lucas 2009) women, particularly mothers, are expected to have a reduced participation in the labour force and to downgrade their professional aspirations. Childcare solutions are limited and expensive, and school hours are also relatively short, in line with a general absence of public support for working mothers (Levy 2018). The family economy traditionally revolves around a modified male breadwinner model, with women working at most part-time, which also leads to an unequal division of domestic labour (Valarino and Gauthier 2015). Women therefore have limited access to managerial and professional jobs, and most of them have discontinuous, part-time employment histories.

In France, women are better able to maintain a strong commitment to the labour market throughout their life courses, thanks to high levels of subsidised childcare solutions and parental leave options. Highly qualified women benefit from the existence of a hybrid gender regime (Lépinard 2018) that simultaneously promotes women’s primary roles as mothers and their access to the labour market. In fact, pronatalist family policies have been combined with measures that facilitate women’s participation in the labour force, thus facilitating their widespread access to qualified jobs, including those in the legal profession (Le Feuvre and Lemarchant 2007; Boni-Le Goff et al. 2019). High levels of subsidised childcare solutions and parental leave options enable women—especially those in highly-qualified occupations—to have continuous, full-time labour force participation patterns throughout their lives.

However, in both countries, women struggle to achieve full integration into the legal profession. This suggests that it is not only important to consider the different societal-level gender regimes in question, but also the specific gendered occupational career structures that can be found with

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<sup>1</sup> The “Gendered Globalization of the Legal Professions” project was carried out between 2015 and 2020, and aimed to study how globalisation affects women’s legal careers in France and Switzerland, attempting to determine whether gender inequalities in the legal profession of these two countries are being eroded by the increasing share of women lawyers. It was based on a mixed-methods approach combining a large-scale survey and face-to-face interviews.

respect to the legal profession in the two countries, as well as the interaction between these levels of reality (Boni-Le Goff et al. 2019). Both in France and Switzerland, the Bar –the national association of lawyers, for which membership is compulsory in order to practice law– is deeply segmented by gender, with women over-represented in less prestigious chambers and legal specialisms. Female lawyers nevertheless appear to navigate the legal labour market hierarchy through alternative career paths. In France, despite the relatively favourable societal gender regime, women seem to turn to solo practice in order to maintain a continuous career trajectory and avoid the obstacles to obtaining recognition and full integration into the profession (Le Feuvre and Walters 1993). In Switzerland, where the gender regime is less favourable to the construction of a professional career, women benefit from the more permeable boundaries between exercising as lawyers and alternative legal jobs in order to stay working in the sector despite their more discontinuous career paths.

Against this background, it is interesting to compare how, in the context of dissimilar gender regimes and occupational career structures, the persistence and perception of gender inequalities relate to the construction of potentially alternative models of professionalism during the early stages of a legal career.

## 2.2 Data

The online survey was administered in 2016 in collaboration with the French National Bar Council (*Conseil National des Barreaux*) and the Paris Bar (*Ordre des Avocats de Paris*) in France, and with the Bar organisations in Geneva (*Ordre des Avocats de Genève*) and in Lausanne (*Ordre des Avocats Vaudois*), both in the French-speaking part of Switzerland. Alongside the socio-demographic profile of lawyers, the questionnaire asked each respondent about their educational and professional history, current position and job content, career aspirations and projection, discrimination issues encountered, and work-family arrangements. After cleaning up the data, the final sample used for our analysis was made up of 982 respondents (319 men, 663 women) from the Paris Bar for France, and 366 respondents (154 men, 212 women) from the Bars in Geneva and Lausanne for Switzerland.

For our analyses, we first selected a list of variables regarding different aspects that contribute to professionalism, drawing on three groups of variables relating to: forms of legal practice, career patterns, and types of professional understandings. Taken together, these variables enable us to identify the potential variety that can be reflected by professionalism, understood as the diversity of visions of what constitutes appropriate behaviour for a lawyer and the realities of exercising as one (Wallace and Kay 2008). In order to distinguish different forms of legal practice, we used the following variables: working hours, type of employment structure (solo practice, small-medium law firm, large corporation), legal domain (administrative, trade, family, work, banking and business, etc.), legal activity (advising and/or litigation), size of portfolio (number of clients), type of clientele (small/medium size firms; large firms/corporations; governmental institutions; associations and no-profits), internationalisation of clientele (national and/or international clients), and supervisory duties. To differentiate between career patterns, we based our analyses on the following variables: professional project after graduation (solo practice; small-medium size law firm; large firm/corporate; bifurcation into another profession/uncertain), number of professional positions held to date, years of professional experience, and partnership status. Finally, we addressed the types of professional aspirations through the following variables: current professional projection (planning a change of status within the same profession), career goals (high earnings, career advancement, improving society, achieving work-life balance, life-long learning, etc.), career needs (increasing income, improving work-life balance, having more free time; staying up to date



with technological change etc.), forms of professional engagement (participation in professional associations, such as the Bar, lobbying activities, etc.).

When it came to measuring perceived discrimination, lawyers were asked whether they had personally experienced or witnessed discriminatory practices in their workplaces over the previous five years. They were then asked to state the basis of the discrimination they had experienced or witnessed. Types of discrimination based on sex and pregnancy were those most frequently mentioned by our female respondents: together they represented over 50% of the cases of discrimination reported by these women. Given that in the case of women these two types of discrimination may frequently overlap, we grouped them under one category that we subsequently labelled ‘gender discrimination’. Hence, this is the type of discrimination we refer to here. Studies show that, as a result of either one’s own personal experiences or the experiences of others with whom one identifies, relatively speaking, people perceive more discrimination against people of their own sex (Gutek et al. 1996). Moreover, objective experiences of mistreatment may differ from perceptions of mistreatment (McCord et al. 2018). Given the different exposure to gender discrimination suffered by men and women in the professional domain, in the case of men, we only retained discrimination that had been witnessed, while for women we retained cases of both witnessed and experienced discrimination. Thus, our study does not aim to provide a comprehensive measure of discriminatory practices, nor to constitute any kind of basis for formal legal claims, but rather to provide an indication of the subjective awareness of differential treatment received by male and female Swiss and French lawyers in the early stages of their careers. As stressed by Nelson and colleagues (2019), lawyers’ perceptions of discrimination are significant in themselves because they are an indicator of gender inequalities within the legal profession.

## **2.3 Methods**

The aim of this chapter is to provide an explorative study of gendered models of professionalism in the legal profession and establish their relationships to perceptions of gender discrimination. In order to do this, we employed descriptive statistics and cluster analysis.

We first used measures of association (t-tests and chi-square tests) to check which of our selected variables were significantly associated with the sex of the respondent, in order to identify the aspects likely to contribute to the definition of gendered models of professionalism.

Then we performed separate hierarchical cluster analyses for men and women, using Ward linkage and Gower distance, which is a metric used to measure the dissimilarity of two items (i.e., the lesser the distance, the more similar the items), on the variables that were significantly associated with sex. Cluster analysis is a technique that allows individuals to be classified into groups of related variables. Hence, it is useful for identifying the characteristics that jointly describe models of professionalism for each sex and how individuals are distributed among them. It is important to underline that with this type of technique, the disentanglement of the different groups is subject to the assessment of the researcher, whose choices are both methodologically and theoretically driven. Hence, the number of groups (i.e. distinct models of professionalism) that we identify and present in the following section represents the number that we consider to be analytically relevant with respect to the objectives of our study. That is also why we summarise the main characterising variables of each model, i.e. the variables that were closer to each other within the group (those that displayed the lower values for the estimated Gower distance) and that in our view contributed to analytical coherence.

Finally, we used measures of associations to test the relationship between these models and perceived gender discrimination, to assess if alternative models of professionalism were more strongly related to perceptions of gender discrimination, and if so, which ones.

### 3. Results

#### 3.1 Are alternative models of professionalism gendered?

Table 1 presents the list of variables for which we found statistically significant differences between men and women and their distribution in the two countries under study.<sup>2</sup> The majority of the variables we tested turned out to be significantly associated with sex in both countries, although with some differences between France and Switzerland. This is a first indication of the potential gender differences regarding professionalism in both countries.

This is confirmed by results from cluster analyses, based on the aforementioned list of significant variables, which showed that, despite some similarities, men and women relate differently to the different facets of professionalism represented by each of the selected variables. This confirms the existence of alternative and competing gendered models of professionalism, which differ somewhat between the countries under study. We identify four main models. Their share among men and women in each country, along with their main characterising variables, are summarised in Table 2.<sup>3</sup>

**Table 1. Descriptive statistics for the variables significantly associated with sex\***

		France		Switzerland	
		Men	Women	Men	Women
<i>Forms of legal practice</i>					
Working hours (mean)		51.86	48.73	48.44	45.16
Structure type (%)	Solo practice	20.69	23.32	18.42	9.27
	Small-medium	55.80	56.40	65.79	80.00
	Large/corporate	23.51	20.27	15.79	10.73
Legal domain (%) **	Finance and business	10.34	5.28		
	Work	20.38	26.55		
	Family	6.90	19.00	48.70	61.32
	Administrative	15.36	9.65	46.75	29.72
	Trade			61.04	41.98
Client type (%) **	Small/medium firms	72.10	65.16	75.52	56.04
	Large/corporate	55.17	44.49	40.56	37.91
	Associations & Non-Profit	20.06	13.88	33.57	23.63
	Governmental	17.24	8.90		
Supervisory duties (%)	Yes	41.38	35.14	54.55	42.18
<i>Phases of legal career</i>					

<sup>2</sup> To save space, we have decided not to report the descriptive statistics for all the variables we tested. Likewise, for each country, we only report the distribution of variables for which we found statistically significant differences between men and women (when no values are reported, this means that the variable was found not to be significantly associated with sex in that country).

<sup>3</sup> In order to facilitate reading and understanding our results, we have chosen not to include dendrograms here.

Professional projects after graduation (%)	Solo/small-medium firm	30.90	38.94		
	Large/corporate	34.55	26.01		
	Bifurcation/uncertain	34.55	35.05		
Years of professional experience (%)	Up to 5 years			26.62	40.09
	6-10 years			36.36	33.49
	10+ years			37.01	26.42
Seniority (%)	Partnership status	37.54	31.11	46.19	25.95
<i>Understandings</i>					
Current professional projects (%)	Change of status within the profession	56.64	64.30		
Career goals (%) **	Improving society	66.77	74.51		
	Life-long learning	98.12	99.70		
	Career advancement	89.03	94.12		
	High earnings			93.51	85.38
	Work-life balance			96.75	99.53
Career needs (%) **	Increasing income			27.97	38.59
	Technologically updated	24.45	17.14	28.67	17.39
	More free time	15.15	23.83		
	Work-life balance	44.51	51.58		
Professional engagement (%)	Participation in professional associations			54.79	65.53
	N	319	663	154	212

\* Statistically significant differences between men and women at  $p < 0.05$ .

\*\* These are groups of variables: percentage values correspond to the share of individuals that indicated “yes” for each of the variables in the group.

**Table 2. Models of professionalism: share (%) and characterisation by sex and country, and association with perceived gender discrimination\*.**

Model of professionalism	Sex and country	Main characterising variables
<b>1. Organisational male-centred</b>	Men, France (44.22%) and Switzerland (33.33%)	Working hours, work in large/corporate firms, career advancement (France) and high earnings (Switzerland) as career goals.
	Women, France (43.41%) * and Switzerland (39.61%)	In Switzerland, work-life balance is also a career goal for both men and women.
<b>2. Specialised female-settled</b>	Women, France (13.19%) * and Switzerland (12.64%) *	Partnership status, specialisation in terms of activity (solo practice).
		In France, also specialisation in terms of expertise (family law) and professional project



		after graduation (solo practice).
<b>3. <i>Differentiated male-settled</i></b>	Men, France (55.78%) and Switzerland (66.67%)	Partnership status, differentiation in terms of activity (type of structures) and expertise (legal domains, type of clients).  In Switzerland, also differentiation in terms of work experience.
<b>4. <i>Early-stage female-unsettled</i></b>	Women, France (43.40%) and Switzerland (47.75%) *	In France, professional project after graduation was bifurcation/uncertain, change of status within the profession as current professional project, work-life balance as a career need.  In Switzerland, limited work experience, differentiation in terms of expertise (legal domains) and participation in professional organisations.

\*Statistically significant association at  $p < 0.05$ .

As shown in Table 2, the first model corresponds to the ‘organisational male-centred’ model of professionalism, which is found among men and women in both countries. The most salient variables that characterise it are long working hours, career goals centred on career advancement (in France) and high earnings (in Switzerland), and activity in large/corporate firms. These aspects typically represent the professional standards endorsed by the male-based, organisation-driven process of professional identity formation and regulation (Macerollo, 2008; Faulconbridge and Muzio, 2008; Sommerlad 2016). The fact that this model is found for both sexes in both countries is a further confirmation of its influence over lawyers in the early stages of their careers (Sommerlad, 2016; Santos, 2018). This is also supported by its distribution in the two national samples: over 40% of men and women in France and over one third of men and women in Switzerland adhere to this model. It is interesting to note that in Switzerland, work-life balance as a career goal is another variable that characterises this model, for men and women alike. This is indicative of the anticipations of early-career lawyers in the context of the Swiss gender regime, where childcare facilities are limited, but where family life is nevertheless considered important.

We labelled the second model ‘specialised female-settled’. This model could be identified among both French and Swiss women lawyers, and is characterised by achievement of partnership status through specialisation in terms of mode of practice (solo practice) and of expertise (i.e. legal domain, such as family law in France). For women in France, aspirations for solo practice immediately after graduation are also associated with this model. This indicates that, for women, the achievement of partnership status –still the most important distinction in

law practice, and the sign of achieving full integration into the legal profession— is related to the pursuit of a restricted type of law practice with unique organisational characteristics, opposed to the one prescribed by the male-centred organisational model of professionalism (i.e. solo vs. corporate practice). This model is represented by a small although not negligible proportion of female lawyers: 12.19% in France and 13.64% in Switzerland.

The third model, which we defined as the ‘differentiated male-settled’ model, was observed among both French and Swiss men. It is marked by achievement of partnership status through a diversity of modes of practice (structure types) and fields of expertise (legal domains and types of clients). In the case of Swiss men, on top of diverse organisational settings and legal domains, this differentiation extends to different career phases in terms of work experience (medium-term to long-term). This model is in line with the dominant script of highly assertive male lawyers being perfectly suited to the job (Nelson et al., 2019), and is well-represented among men in both countries, accounting for 55.78% of male lawyers in France and 66.67% in Switzerland.

It is interesting to note that, in order to secure their full integration into the profession, men seem to develop quite diverse professional profiles, while women have to work in specific organisational settings (e.g. solo practice) and practice areas (e.g. family law). It is likely that this pattern further prevents female lawyers from accessing the core of legal knowledge and power, as it is conducive to a rhetoric whereby women lawyers cultivate an alternative, “more caring” approach to the profession (Pierce 1995; Nelson et al. 2019). This suggests that, beyond national differences in the way the legal profession is structured in France and Switzerland (Boni-Le Goff et al. 2019), professional career paths are linked to gendered models of professionalism in both countries.

The fourth model, which we named the ‘early-stage female-unsettled’, could be found among both French and Swiss women, although with a different slant in each country. In France, this model is characterised by aspirations for a change of status within the profession and an emphasis on work-life balance as a career aspiration, and it is thus indicative of a struggle to find a place within the profession. This contrasts somewhat with the characteristic of the French gender regime to favour the work-life balance of working women, especially highly qualified professionals. However, this model is also associated with unspecified professional projects after graduation, and with aspirations for professional mobility (either outside law, or to another branch within the legal profession). About 43 % of female lawyers in our French sample fall under this model. For Swiss women, this model is marked by limited work experience in a variety of areas of practice (legal domains), suggesting that it is typical of female lawyers in the early phases of exploring their career options. Participation in professional associations is another characteristic of this model, which confirms the blurred boundaries that characterise the occupational structure of the profession in this country. As noted earlier, these are used as resources by women to build an alternative pathway into the profession (Boni-Le Goff et al. 2019). An aspiration for a good work-life balance is not associated with this model in Switzerland, whereas it is in France. This may be related to the fact that female Swiss lawyers in the early stages of their careers are more likely to temporarily leave the labour market when they have children as compared to their French counterparts (Boni-Le Goff et al. 2019). Almost 48% of women lawyers in our Swiss sample fell under this model.

### ***3.2 Gendered models of professionalism and perceptions of gender discrimination***

Table 2 shows that in both countries, perceived gender discrimination was significantly associated with models of professionalism, but only in the case of women.

The first model that is significantly associated with perceptions of differential treatment is the ‘organisational male-centred’ for women in France. This suggests that female French lawyers in the early stages of their careers know that they are still perceived as deviating from the image of the paradigmatic lawyer even when they comply with the ethos of being fully committed to career success and to the corporate work-organisation paradigm that characterises this model. Stereotypes about women being less competent and committed than men may lead some women, including those who have invested heavily in their careers, to perceive discrimination. Precisely because of normative cultural expectations regarding traditional female roles, employers may still expect women to occupy lower status jobs and second-tier positions, regardless of their human capital and the value they generate for the firm (Benard and Correll 2010).

The ‘specialised female-settled’ model is also significantly associated with perceptions of gender discrimination in both France and Switzerland. This is indicative of women’s awareness of the different career opportunities that are offered to female lawyers compared to their male counterparts: they are left either to mimic the male-centred professional script or to build themselves an alternative model, restricted to selected areas of activity and expertise (Pierce 1995; Nelson et al. 2019). Previous qualitative results from our study confirm that solo practice in France represents a functional alternative for women to gain partnership status, whereas the Swiss legal profession has a less competitive occupational structure, with higher availability of partner positions for female lawyers in small-to-medium size firms (Boni-Le Goff et al. 2019). The fact that we found this alternative model to be associated with perceived gender discrimination in both countries confirms the normative power of the male-centred model of professionalism, and the fact that this alternative ultimately limits women’s access to the most prestigious positions in the French and Swiss legal occupational hierarchies.

The ‘early-stage female-unsettled’ model is significantly associated with perceptions of gender discrimination, but only in Switzerland. This suggests that transformations in professional law practices and standards have created categories in the profession that are increasingly exposed to processes of social exclusion and reproduction of gender inequalities (Faulconbridge and Muzio 2008; Ashley and Empson 2017; Santos 2018). Likewise, it reveals the understanding that female Swiss lawyers in the early stages of their careers have what are considered appropriate behavioural norms, values, and approaches to professional practice. If read together with the participation in professional associations that are typical of this model, women’s awareness of gender inequalities denotes a reluctance to face these normative aspects of professionalism, and suggests that women’s temporary shift to alternative types of employment (e.g. as court clerks) could provide an alternative path into a legal career (Boni-Le Goff et al. 2019).

## **Conclusion**

The legal profession has traditionally been characterised by strong homogeneity in terms of composition and practices. The feminisation process of recent decades has brought increased diversity to the profile of aspiring lawyers, but it has not eroded the male-oriented model of professionalism. On the contrary, this model has been reinforced by the transformations triggered by globalisation and restructuring and through the implementation of organisational principles and practices that assume the paradigmatic professional to be male and totally committed to his career. Our analysis of gendered models of professionalism in the legal profession in France and Switzerland and their relation to perceived gender discrimination confirms a shift away from this professional norm on the part of women, although this shift is

not necessarily associated with new forms of power and sources of legitimacy within legal work (Ashley and Empson 2017).

Alongside the ‘organisational male-centred’ model that provides the baseline of professionalism, we found competing models that either offered women alternative, but restricted, ways of building a career path (i.e. ‘specialised female-settled’), or mirrored their struggles to find an alternative form of professionalism (i.e. ‘early-stage female-unsettled’). These models are indicative of the limited inclusion of women in the legal profession in these two countries and reveal persistent patterns of gendered stratification. Conversely, the ‘differentiated male-settled’ model testifies to the full integration of male lawyers into the profession and can probably be seen as a pragmatic alternative to the ‘organisational male-centred’ model. Usually, the paradigmatic male lawyer moves through the normative phases of a legal career (i.e. from law school to a partnership position) without encountering any significant impediments. However, should he be unable to follow this linear progression, deviations from this norm do not prevent him from eventually achieving professional recognition. This confirms the idea that the male-oriented model of professionalism usually retains and reproduces a regulated gendered order within the profession (Evetts 2003; Macerollo 2008; Suddaby and Viale 2011).

These gendered models of professionalism are indicative of the complex tensions structuring professional hierarchies in law practice. In the case of women, we found that all the models were associated with perceptions of gender discrimination. This suggests that women are aware of underlying gender stereotypes and of the ways in which they serve to reinforce masculine standards of professionalism, thus requiring them to negotiate alternative professional identities throughout their careers (Macerollo 2008; Sommerlad 2016). We have identified some female-centred models of professionalism, but have also observed that these tend to reinforce gender segmentation in the legal profession. It is thus unclear whether the increase in the number of women in the profession will serve to modify gender hierarchies within it, notably by challenging the standards and practices on which they are based (Suddaby and Viale 2011). Women’s awareness of gender discrimination, and its relation to specific models of professionalism, suggest that female lawyers might play a significant part in contesting and challenging the traditionally masculine qualities that are valued within the legal profession. There is some evidence from other countries that women lawyers do indeed elaborate various strategies to cope with their disadvantaged positions and discriminatory professional environments (see CH 8 in this volume, for example). The interplay of gender norms, career practices and structural characteristics of national legal labour markets (Boni-Le Goff et al. 2019) will most likely shape the outcomes of these dynamic processes in the future.

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