

## The Emancipatory Effect of Law and Its Limits Exemplified by the Promotion of Women in the Police Service<sup>1</sup>

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### I. Gender Equality Policies

Discrimination against women takes on various forms,<sup>2</sup> encompassing direct discrimination where legal norms explicitly disadvantage women, such as early wage deduction. Indirect discrimination occurs when seemingly gender-neutral norms adversely impact women, such as part-time work regulations affecting a significant majority of women. Structural discrimination involves the practical application of regulatory systems leading to social inequality for women, e.g., as seen in limited opportunities for women in managerial positions. The goal of gender equality policy

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<sup>1</sup> The findings presented in this article draw on a wider study of female police officers' vocational experiences and attitudes as found in my doctoral thesis which I submitted to the University of Vienna in 2021. The work is further published as 'Women in Policing. Between Assimilation and Opposition' Nomos Verlag 2022.

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<sup>2</sup> Cordes, 'Gleichstellungspolitik: Von der Frauenförderung zum Gender Mainstreaming' in Becker and Hortendiek (eds.) *Handbuch Frauen- und Geschlechterforschung. Theorie, Methoden, Empirie*, 3., revised and extended edition, Vol. Bd. 35. (Wiesbaden 2010) 924.



is to eradicate these disparities, focusing on equal rights and the creation of equitable life opportunities. The former targets direct and indirect discrimination, while the latter addresses structural imbalances.

Before legal measures can effectively address these issues, structural changes must be implemented which justify the application of compensatory laws.<sup>3</sup> These include regulations like quotas aimed at mitigating the consequences of women's disadvantaged position and redistributing social resources. Gender equality policy as a vehicle for women's advancement, employs various strategies to achieve its goals, such as balancing work and family life, facilitating women's entry into male-dominated fields, and enhancing female representation in leadership roles.<sup>4</sup> Despite these efforts, criticisms persist. The strategies face challenges in social and corporate acceptance, primarily due to the lack of positive incentives for men, the focus of family and work reconciliation support is predominantly aimed at women,<sup>5</sup> and the promotion of women often relying on a deficit model suggesting individual qualification or motivation deficits among women.<sup>6</sup>

Two additional extensively-discussed notions within the realm of gender equality policy are gender mainstreaming and diversity management. Gender mainstreaming, predominantly observed in politics and public administration, entails the integration of gender as a central component into the mainstream of political discourse.<sup>7</sup> Conversely, diversity management operates within the private sector, actively fostering and leveraging employee diversity to enhance the economic success of the company.<sup>8</sup> Critiques can be levelled against both concepts. Diversity management often faces accusations of prioritising profit maximisation, leading to concerns that gender (and other characteristics) is viewed and utilised merely as a human resource. Gender mainstreaming, akin to quota regulations, focuses solely on addressing gender inequalities and does not adequately consider intersectionality. The strengths

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<sup>3</sup> Cf. Holzleithner, *Recht, Macht, Geschlecht: Legal Gender Studies; eine Einführung* (Wien 2002) 63ff.

<sup>4</sup> Cordes 'Gleichstellungspolitiken' 927.

<sup>5</sup> This leads to a reinforcement of women's role as family care takers.

<sup>6</sup> Cordes, 'Gleichstellungspolitiken' 928.

<sup>7</sup> Stiegler, 'Gender Mainstreaming: Fortschritt oder Rückschritt in der Geschlechterpolitik?' in Becker and Hortendiek (eds.) *Handbuch Frauen- und Geschlechterforschung. Theorie, Methoden, Empirie*, 3., revised and extended edition, Vol. Bd. 35. (Wiesbaden, 2010), 933 - 938.

<sup>8</sup> Bruchhagen and Koall, 'Managing Diversity: Ein (kritisches) Konzept zur produktiven Nutzung sozialer Differenzen' in Becker, Hortendiek (eds.) *Handbuch Frauen- und Geschlechterforschung. Theorie, Methoden, Empirie*, 3., revised and extended edition, Vol. Bd. 35. (Wiesbaden, 2010), 939 - 946.

and weaknesses inherent in both concepts, as well as quota systems, underscore the intricate nature of issues surrounding gender equality policy.

It is crucial to acknowledge that gender disparities in the workplace are rooted in a socially constructed gender binary and perpetuated differences in behaviour and abilities based on gender. Consequently, gender equality regulations, in their broadest sense, can only address symptoms rather than the underlying causes. The ensuing sections delve into these limitations and explore the specific impact of quota regulations within the context of the police in Austria.

## II. Female Police Officers & Equality Policies in Austria

Historically deemed unsuitable for the demanding role of policing, women in Austria gradually gained access to the police force. Full integration into the policing system occurred in 1991, marking a significant departure from the preceding era (1971-1991) when women, serving as *Politessen*, were prohibited from carrying firearms and primarily engaged in work involving children and other vulnerable individuals.<sup>9</sup> Certain policing domains were initially resistant to female recruitment. The introduction of women to the police service in 1965 was prompted by a shortage of male applicants; women were restricted to overseeing stationary traffic or working with children and women until 1971. The inaugural recruitment of a woman in 1909 designated her not as a “police officer” but as a “police assistant”, specialising in youth welfare.

In 2016, approximately 16% of Austria's police officers were female.<sup>10</sup> There was a stark contrast in leadership positions, and only 3.8% of management-level employees at the Ministry of the Interior were women.<sup>11</sup> In response to this gender imbalance and the imperative to enhance the harmony between family and career, the Ministry of the Interior implemented a *Frauenförderungsplan* (women's advancement plan).<sup>12</sup> This obligation arose from the women's advancement requirement and the mandatory introduction of a women's advancement plan pursuant to section 11a of

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<sup>9</sup> *Frauen im Polizeidienst (I)* (2011) <[http://www.bmi.gv.at/cms/BMI\\_OeffentlicheSicherheit/2011/11\\_12/files/Polizistinnen.pdf](http://www.bmi.gv.at/cms/BMI_OeffentlicheSicherheit/2011/11_12/files/Polizistinnen.pdf)> accessed 10 December 2015.

<sup>10</sup> BGBl. II Nr. 65/2017, abrogated by BGBl. II Nr. 35/2024 all Austrian federal statutes can be accessed via <https://www.ris.bka.gv.at/Bund/> with their title.

In 2016, the proportion of women in the highest income bracket in the Ministry of the Interior was 35.71% - these numbers include those who work in administrative positions, not solely police.

<sup>11</sup> Bundesministerium für Inneres, *INNEN.SICHER. FÜR SICHERHEIT.FÜR ÖSTERREICH. GEMEINSAM.SICHER in Österreich*, <<https://docplayer.org/74054391-Innen-sicher-fuer-sicherheit-fuer-oesterreich-gemeinsam-sicher-in-oesterreich.html>> accessed 15 April 2021.

<sup>12</sup> This measure was due to the low proportion of women in the Federal Police.

the Federal Equal Treatment Act (B-GIBG). The Ministry's goal to augment the proportion of female officers by 0.5% from 2016 to 2018 was achieved,<sup>13</sup> evidenced by reported figures as of December 31, 2017, and January 8, 2018, indicating that almost 17% (16.6%) of police officers in Austria were female.<sup>14</sup> In a subsequent amendment in 2019,<sup>15</sup> the objective of a 0.5 percentage point increase in female police officers was reiterated, this time with a deadline set for December 31, 2020. By 2021, the percentage of female police officers in Austria had risen to 21%, signalling progress towards gender diversity within the police force.<sup>16</sup>

The legal framework governing the police encompasses considerations of equal opportunities within the scope of both EU legislation and national policies. The multidimensional nature of the equality policy concept adds complexity to the examination of these matters. Austria's equality laws, commencing with the 1979 Equal Treatment Act that championed equal pay for both genders within the private sector, have undergone significant expansions in alignment with EU directives.<sup>17</sup> Notably, the Federal Equal Treatment Act (B-GIBG) emerged in 1993 and exclusively addressed employees of regional authorities (public service), including the police. The initial section of this act focuses on workplace equality, expressly prohibiting vocational discrimination rooted in gender disparities.

The Federal Equal Treatment Commission (B-GBK), which is situated in the Federal Chancellery and organised into two senates, plays a pivotal role.<sup>18</sup> While lacking the authority to issue enforceable judgments, the Commission actively oversees compliance with equality policies in state employment or training contexts. It serves as a resource where employees, employers, works council members, individuals

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<sup>13</sup> From 16.06% in 2016. BGBl. II Nr. 65/2017 § 3. (1) Abs 1.

<sup>14</sup> 'Gleichbehandlungsbericht des Bundes 2018', 84, <<https://www.bundestkanzleramt.gv.at/agenda/frauen-und-gleichstellung/gleichbehandlung/gleichbehandlungsberichte/gleichbehandlungsberichte-des-bundes.html>> accessed 09 September 2019; 'Gleichbehandlungsbericht des Bundes 2020', p.113, <<https://www.bundestkanzleramt.gv.at/agenda/frauen-und-gleichstellung/gleichbehandlung/gleichbehandlungsberichte/gleichbehandlungsberichte-des-bundes.html>>, accessed 04 January 2021.

The figures referred to here are those that report the status of women in the police as close as possible to the time the respective interviews took place.

<sup>15</sup> BGBl. II Nr. 346/2019.

<sup>16</sup> 'Gleichbehandlungsbericht des Bundes 2022', <<https://www.bundestkanzleramt.gv.at/agenda/frauen-und-gleichstellung/gleichbehandlung/gleichbehandlungsberichte/gleichbehandlungsberichte-des-bundes.html>> accessed 03 April 2022, 113.

<sup>17</sup> Gender, sexual orientation, ethnicity, religion and/or philosophical belief system, and age, see: B-GIBG StF: BGBl. Nr. 100/1993.

<sup>18</sup> §§22-25 Bundes-Gleichbehandlungsgesetz - B-GIBG.

affected by discrimination, or interest groups can petition for a review of suspected equal treatment violations. The process aims at mediating disputes extrajudicially, facilitating resolutions between employers and employees.<sup>19</sup> Counselling and support regarding legal measures concerning (un)equal treatment can be obtained at the Equal Treatment Advocacy, who provide further information.<sup>20</sup>

However, legal modifications alone are insufficient to drive societal change without comprehensive policy reforms and political initiatives.<sup>21</sup> In Austria, quota regulations are applicable in the federal service, including the police. Section 11b of the Federal Equal Treatment Act mandates prioritising equally qualified female applicants over male counterparts until the female representation in the relevant sector reaches at least 50%. This preference is subject to absence of overriding reasons in the competitor's personal attributes. Section 11c of the same Act extends priority to female applicants for higher positions until a 50% gender balance is achieved within the corresponding function group, emphasising objective evaluation of competence through uniform criteria.<sup>22</sup>

Research underscores that legal amendments, while crucial, need broader policy and political backing for societal transformation. These equality measures have the potential to impact not only the numerical representation of women in the police but also internal dynamics and public interactions with the police service: “[I]f a male police officer can relate in a non-sexist manner to his female colleague, then the possibility that he might also relate to a female member of the public in that same way is greatly enhanced.”<sup>23</sup> In this context, equality policies are presented as catalysts for significant organisational transformation. They serve to heighten awareness of issues related to equal opportunities, challenge prevailing occupational cultures, and inadvertently prompt a reconsideration of what constitutes “good” or “proper”

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<sup>19</sup> ‘Bundes-Gleichbehandlungskommission’, <<https://www.bundeskanzleramt.gv.at/agenda/frauen-und-gleichstellung/gleichbehandlungskommissionen/bundes-gleichbehandlungskommission.html>> accessed 07 January 2021.

<sup>20</sup> ‘Gleichbehandlungsanwaltschaft – Unsere Aufgaben’ <<https://www.gleichbehandlungsanwaltschaft.gv.at/wir-ueber-uns/aufgaben.html>> accessed 07 January 2021.

<sup>21</sup> Dedeoğlu, ‘Equality, Protection or Discrimination: Gender Equality Policies in Turkey’ (2012) *Social Politics*, 19(2), 286.

<sup>22</sup> Dworkin describes and justifies these kinds of policies with the “right to be treated as an equal,” which discriminated or disadvantaged people and groups should be able to make use of. (Dworkin, *Taking Rights Seriously* 16. Print. ed. (Cambridge 1997) 273). Due to lack of space, the debate on justice and equality cannot be further explored at this point.

<sup>23</sup> Walklate ‘*Equal opportunities and the future of policing*’ in: Leishman, Loveday, Savage (eds.) *Core issues in policing*. 2nd ed. (Harlow, England, New York, 2000) 244.

policing (as illustrated earlier, for example, in the concept of “soft” policing). Given that the effective implementation of these policies can profoundly shape the future of policing, a crucial research aspect involves evaluating them from the perspective of those directly affected.

A 2011 study conducted by GfK Austria delved into participants' perceptions of positive-action policies within the police force.<sup>24</sup> The study revealed a notable disparity in the acceptance of women's promotion measures, with 71% of women expressing support compared to only 37% of men.<sup>25</sup> This discrepancy is prefaced by the observation that awareness of gender-related policies is unevenly distributed within the police force. While most respondents were familiar with the commissioner for equal treatment (Gleichbehandlungsbeauftragte(r)) and “contact-women”,<sup>26</sup> other measures such as flexible timing for education and work courses remained relatively unknown. Awareness of initiatives aimed at advancing women into senior positions was widespread but met with negative reception, particularly among male participants.<sup>27</sup> Female participants, on the other hand, exhibited limited knowledge about these specific measures. These findings underscore significant challenges within the police work culture, including an overall negative reception of equal opportunities policies and a certain information gap.

This study seeks to delve deeper into the rationale behind these perceptions. The identified issues not only highlight the need for further exploration of gender-related matters but also emphasise the importance of fostering a positive work environment for women within the police service. By examining their perspectives and experiences, I aim to gain insights that will contribute to a better understanding of gender dynamics within the police force.

### III. Methodology

The data presented in the subsequent sections form a component of a broader investigation into the gendered vocational experiences and attitudes of female police

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<sup>24</sup> Kofler, ‘*Frauen und Männer in der Polizei 2011. Es gibt noch viel zu tun...*’ (2011) *SIAK-Journal – Zeitschrift für Polizeiwissenschaft und polizeiliche Praxis* (4), 51-59, <[http://www.bmi.gv.at/cms/BMI\\_SIAK/4/2/1/2011/ausgabe\\_4/files/Kofler\\_4\\_2011.pdf](http://www.bmi.gv.at/cms/BMI_SIAK/4/2/1/2011/ausgabe_4/files/Kofler_4_2011.pdf)>, accessed 10 December 2015.

<sup>25</sup> Kofler, (2011) *SIAK-Journal*, 57.

<sup>26</sup> So-called “contact women” act as a connecting link regarding issues of gender equality between police officers and the Ministry of the Interior, like equality commissioners. In every state, there are a number of contact women, and one equality commissioner.

<sup>27</sup> Kofler, (2011) *SIAK-Journal*, 58.

officers. This study focuses on delving into the personal experiences and professional attitudes of female police officers in both Austria and the UK, examining their perspectives on perceived gender policies. The inquiry encompasses an exploration of the motivations and backgrounds of individuals concerning specific training, tasks, and policies within the respective police services of the two countries. Moreover, it considers the personal experiences of women in the police force, encompassing perceptions of colleagues and citizens, as well as potential disparities in standards that police officers may encounter in interactions with both citizens and colleagues or superiors.

The specific emphasis in this segment of the study lies in scrutinising the attitudes of participating female police officers toward perceived gender equality policies and their assessments of the current state of gender diversity within the Austrian police service. It is crucial to acknowledge that these opinions and positions are inherently shaped by the social and cultural context of each participant. The integration of these subjective viewpoints and experiences with the existing legal framework and interpretations forms an integral aspect of the research. This research endeavour contributes to the analysis of female experiences and their subjective perspectives on gender relations within the police service. Adopting a case study approach with a limited number of participants proves particularly valuable for examining the reception and impact of specific policies. The in-depth analysis undertaken serves as a robust foundation for developing inductive theories.<sup>28</sup>

Given the research's focus on subjective viewpoints rather than generalisations, a qualitative approach has been chosen. This involves engaging women in personal discussions about their experiences and opinions as police officers. A semi-structured interview guide was employed to allow for the emergence of themes while facilitating the comparison and contrast of responses on specific topics. The answers and conclusions presented in this paper primarily revolve around the central question posed to participants: “Which (governmental) measures of gender equality/actions that promote women do you know about, or have you possibly already had experience with them yourself (e.g., women's promotion plan)?”

In Austria, 17 face-to-face interviews with female police officers were conducted, while an additional six participants provided written responses to an interview guide featuring the same questions as the semi-structured interview guideline. Two of the interviewed police officers held roles as equality commissioners, and one interviewee

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<sup>28</sup> Ertan, *How to Study Gender Equality Policy Cross-Nationally? Aggregate or Disaggregate Gender Equality Policy Indices?*, (2016) Social Indicators Research, 125(1), 47-76.



had a decade-long experience as an equality commissioner. Furthermore, I sought insights from the head of the “Centre for Organisational Culture and Equal Treatment” (ZOG), responsible for gender equality and women's advancement matters in the Austrian Ministry of the Interior, addressing issues raised in the participants' interviews. All interviews were conducted between March 2018 and September 2018.

To ensure a rigorous analysis, the interviews were meticulously transcribed verbatim and subjected to scrutiny through a grounded theory approach.<sup>29</sup> Thematic bundles that emerged from the coded material were systematically explored and compiled, forming a foundation for hypothesis development. Grounded theory, as conceptualised by Strauss,<sup>30</sup> is best understood as an interpretative analysis style for qualitative data characterised by specific features. Emphasising two key aspects, namely theoretical sampling and coding and comparison, this approach involves an interactive process of data collection and interpretation. The goal is to construct a theory that organically unfolds from the collected data.<sup>31</sup> The practice of continuously referencing previously collected and analysed data while gathering new information, known as theoretical sampling, serves as a guide for accessing diverse participants and identifying areas for new data acquisition. Employing a “snowballing” process facilitated access to a broad and varied group of respondents. The ongoing comparison of both “old” and “new” data not only aids in generating codes but also contextualises them, fostering the development of meaningful concepts.

#### IV. Findings

Numerous interviewees extensively discussed policies promoting equality and elucidated their interpretations of the concept of equality. The discourse often revolved around the gender quota regulations within the Austrian police, a topic generating considerable debate among the officers themselves, as evidenced in the interviews. The phrase commonly featured in police occupational advertisements, “Women are given preferential treatment/employment if they have the same qualifications,” evoked conflicting opinions. Some interviewees disagreed with the phrase, deeming it unfair to prioritise equally qualified female applicants over their male counterparts. Conversely, others viewed it as a positive mechanism, ensuring

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<sup>29</sup> Strauss, ‘*Grundlagen qualitativer Sozialforschung*’, Datenanalyse und Theoriebildung in der empirischen soziologischen Forschung (München, 1991).

<sup>30</sup> Strauss, ‘*Grundlagen qualitativer Sozialforschung*’.

<sup>31</sup> Lueger, ‘*Interpretative Sozialforschung: Die Methoden*’ (Wien, 2010).



increased promotion of female officers and, consequently, their greater influence in decision-making processes.

For the majority of interviewees, equality was defined as treating everyone impartially, irrespective of circumstances. Consequently, there was difficulty comprehending the notion of “preference of women over men” within their concept of equality. The paramount importance of being treated equally, adhering to identical guidelines and requirements regardless of gender, was underscored by most participants. This perspective aligns with previous research findings indicating the challenges female officers face in acclimating to male-dominated environments, leading some to adapt their behaviour to conform to the prevailing culture and avoid being perceived as “other”.<sup>32</sup>

A highly debated topic, consistently surfacing in every interview, was the reception of equality policies within the police force. Notably, in Austria, the focal point of discussion predominantly revolved around so-called quota rules. Other provisions such as mentoring programs, received scant mention, and topics like parental leave were discussed only sparingly. Despite this limited awareness of a broader spectrum of equality policies, all interviewees expressed strong opinions regarding quota rules. Almost universally, officers discussed grappling with what they perceived as negative repercussions arising from their (male) colleagues' perspectives on these gender quotas. In most instances, the viewpoint of the male colleague is presented and elucidated in argumentative terms. Simultaneously, there is a prevailing assumption that male officers may struggle to understand and empathise with the concept of equal treatment. The ability to empathise and comprehend diverse perspectives is often — not only in this context — ascribed to and enacted by female officers rather than their male counterparts.

Several interviewees express criticism regarding the fact that, upon securing a specific position, certain male colleagues resort to derogatory remarks in the form of jokes, labelling them as “quota women”. This behaviour is inherently linked to a broader tendency of attributing lesser qualifications to female officers and questioning their professional capabilities solely based on gender. Instead of being acknowledged as equals, female police officers often find themselves subjected to mockery, implying that they require assistance in the form of quotas to attain positions held by men. Many interviewees vehemently critique this situation, emphasising that the issue is not

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<sup>32</sup> Rabe-Hemp, *Female officers and the ethic of care: Does officer gender impact police behaviors?* (2008a) *Journal of Criminal Justice*, 36(5) 426-434.; Rabe-Hemp “*Survival in an “all boys club”: policewomen and their fight for acceptance*” (2008b) *Policing: An International Journal of Police Strategies & Management*, Vol. 31 Iss 2, 251 - 270.

the mere existence of equality provisions, but rather the widespread misjudgement and subsequent negative reception of these policies by most officers, regardless of gender. This concern has been highlighted by former equality commissioners and most senior female officers, who perceive it as a predicament. The varied approaches and viewpoints of female officers occupying different positions in the hierarchical order within the police force deserve careful consideration.

When it comes to the perceptions of gender quotas and other equal treatment policies held by their male colleagues, the interviewees openly articulate their own opinions on these measures. In Austria, this discussion stirred controversy, with some asserting that the presumed differential treatment given to female officers should be avoided rather than embraced. Some even view it as an insult to their pride. Quotas are predominantly perceived as a negative factor, at best to be disregarded, occasionally to be avoided, and in some cases, actively opposed. This sentiment is not solely driven by the negative reactions of male colleagues that female police officers encounter but is also rooted in a fundamental desire not to be treated differently from their male counterparts. Interviewees consistently argue that they perform the same job and receive the same salary.<sup>33</sup> In many instances, female officers deliberately distance themselves, overtly in some cases, from the perceived marginalised group and the perceived assistance they receive. For many, maintaining a subtle distance while navigating their role as women in the workplace is seen as a safer strategy than fully embracing and actively supporting equality policies within the police. Some female police officers in Austria perceive actively advocating against these policies as a legitimate option to uphold the illusion of sameness with their male peers.

The principle of justice and equality, as opposed to equity, forms a foundational aspect of Austrian policewomen's professional identity. Throughout their narratives, their perceived similarity to their male counterparts consistently overshadowed any alleged gender-based distinctions. Consequently, it often remained unclear to them on what grounds they should be recipients of preferential work-related treatment. Some even went so far as to deem quotas as unjust. From their perspective, the current vocational circumstances within the police service present as equitable concerning gender matters – equal pay, equal work, and equal conditions. Therefore, preferential treatment is considered unfair or unjust, at least within their understanding of equality, as discussed above.

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<sup>33</sup> However, income inequality also prevails in the police (Lercher 'Einkommensbericht 2019 gemäß § 6a Bundes-Gleichbehandlungsgesetz' (2019) <[https://www.oeffentlicherdienst.gv.at/Einkommensbericht\\_2019.pdf](https://www.oeffentlicherdienst.gv.at/Einkommensbericht_2019.pdf)> accessed 02 June 2020).

The issue of the problematic reception of gender quotas was also scrutinised from an organisational standpoint, particularly by interviewees involved in or associated with equal treatment matters, such as equal treatment commissioners or women's network representatives. They collectively acknowledged a challenge in how such policies are received among police officers, irrespective of gender. However, the noteworthy observation that female police officers in particular vehemently protest legal equality measures raised concerns and prompted further examination. This resistance may be linked to the inclination of many female police officers to align their behaviour and rhetorical thought patterns with those of their male colleagues, whether to gain acceptance or subconsciously adopt (male-associated) stereotypes. However, this rationale is just one among several factors and circumstances that could explain the reluctance of female police officers to accept gender equality policies. Another contributing factor is the negative reaction these policies receive from male police officers and the subsequent reflection on female officers. This aspect is intricately tied to the prevailing hegemonic culture of masculinity within the police force to which female officers endeavour to conform. Causing disruption or disturbance to this culture is perceived as undesirable.

The desire to be treated without what they perceive as bias towards women, coupled with the specific challenges of their operational environment, are cited as reasons by Austrian interviewees for the majority's lack of favour towards equality policies. Consequently, most Austrian respondents consider these policies counterproductive in achieving gender equality.

## V. Discussion

The significance of gender equality policy and its impact on the lived vocational experiences of female police officers cannot be overlooked. On a daily basis, these officers grapple with the consequences and effects of such policies and measures. While gender equality policies are just one facet of the challenges faced by female police officers, there is substantial evidence indicating their relevance in shaping the everyday work experiences of these professionals. A report by Kofler on the status of women in the Austrian police underscores the existence of significant knowledge gaps and a predominantly negative reception of gender equality policies among police officers.<sup>34</sup>

Upon analysing the data collected in the current research, two primary factors contributing to the adverse attitudes of female police officers towards the topic

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<sup>34</sup> Kofler (2011) *SIAK:Journal – Zeitschrift für Polizeiwissenschaft und polizeiliche Praxis*.

emerge. Firstly, the perception of “equality” by female officers is deeply influenced by the prevalent hegemonic masculine culture within the police force. Secondly, there is a notable dearth of information and education on the subject of gender equality. This knowledge gap, in turn, results in highly detrimental consequences for female officers operating in a male-dominated work environment.

Measures aimed at promoting care work and enhancing work-life balance, including initiatives like part-time work, flexible schedules, and childcare facilities, received overwhelmingly positive responses. Notably, these measures are applicable to all police officers, irrespective of gender. Nevertheless, they are incorporated within the Austrian Ministry of the Interior’s “Women’s Advancement Plan”, emphasising the continued association of reproductive and care responsibilities, such as childcare and household chores, as a primarily “women’s issue” in Austria. Research has also revealed that care work is perceived as more burdensome for female police officers than for their male counterparts.<sup>35</sup> Consequently, endeavours to alleviate these stressors for all police officers are generally viewed favourably. Conversely, measures exclusive to female police officers tend to face criticism, stemming from a defensive stance against differential treatment compared to male colleagues.

The data underscore the paramount importance of “equality” for female police officers in Austria, where equality is simplistically understood as treating everyone uniformly. This perspective, however, overlooks diverse backgrounds and structural inequalities. A key concern for female police officers is to avoid differential treatment compared to their male counterparts. The incongruence between their concept of “equality” and the authorities responsible for gender equality issues is a driving factor behind their perception that gender equality policies, particularly quota regulations, are unnecessary or even discriminatory against men. This critical perspective primarily surfaces in discussions about quota regulations. The necessity of other measures and regulations, such as those related to parental leave and childcare, is considered self-evident because it acknowledges the distinct positions of men and women in the police service. However, limiting the concept of equality policy to quota rules explains the general negative reaction toward equality issues within the police.

In grappling with this dilemma, one must consider the pervasive influence of dominant (hegemonic) masculinity within the police service and its associated culture.

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<sup>35</sup> Cf. Holdaway and Parker, *Policing women police: uniform patrol, promotion and representation in the CID* (1998) British Journal of Criminology, Winter 1998. <<https://link-gale.com.uaccess.univie.ac.at/apps/doc/A20402316/AONE>> accessed 11 September 2019.

Given the absence of an alternative “female” conception of police culture,<sup>36</sup> it is unsurprising that female police officers often find themselves compelled to adapt to the prevailing male-dominated culture. In doing so, they maintain their distinct female perspective but position themselves as “allies” to their male colleagues, actively participating in understanding male behaviour and expressing concerns about the potential “feminisation” of the police service. This aligns with Jacobs' findings,<sup>37</sup> suggesting that female police officers navigate their gendered actions in the workplace; some opt to separate their femininity and strive to become “one of the boys,” a significant strategy for gaining access to the tightly defined male-dominated space that the police still represent. The fear of reprisal, or “othering”, and being associated solely with their gender counterparts may lead some female officers to distance themselves and conform to the prevailing male-oriented police culture.<sup>38</sup>

Certain respondents also perceive quota rules as an affront to their abilities and accomplishments, asserting their capacity to succeed independently without external assistance. Consequently, it is crucial for respondents that female police officers in Austria are recognised as full and valuable members of the service, without attributed dependence on aid aimed at compensating for structural inequalities. Additionally, the lack of education and clarification regarding most implemented equality provisions, coupled with a simplistic view of what “equality” entails, contributes to the rejection of certain equality policies employing so-called positive discrimination.

Furthermore, certain respondents express dissatisfaction with specific measures, particularly the quota system, contending that it is poorly received by male police officers. This creates a hostile environment for female officers who either join the force or receive promotions. Dworkin also addresses this issue in the context of equality policies,<sup>39</sup> highlighting that the (re)production of categories can foster resentment against certain groups. The classic “dilemma of difference”<sup>40</sup> permeates the study's findings—a paradox where having a right as a woman does not equate to

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<sup>36</sup> Behr ‘„Die Polizei muss ... an Robustheit deutlich zulegen“: Zur Renaissance aggressiver Maskulinität in der Polizei’ in Loick (ed.) *Kritik der Polizei* (Frankfurt/Main, 2019).

<sup>37</sup> Jacobs ‘How female police officers cope with a traditionally male position’ (1987) *Sociology and Social Research*, 72, 4–6.

<sup>38</sup> Rabe-Hemp (2008a) *Journal of Criminal Justice*; Rabe-Hemp (2008b) *Policing: An International Journal of Police Strategies & Management*.

<sup>39</sup> Dworkin, *Taking Rights Seriously*.

<sup>40</sup> Minow *Making All the Difference. Inclusion, Exclusion, and American Law* (Ithaca: Cornell University Press 1990), 19ff.

freedom from being designated and subordinated by gender.<sup>41</sup> This dilemma revolves around the fact that if rights are linked to identity characteristics – recognising the category “woman” and addressing “typical” women's needs – they encompass all women as potentially affected. However, such special rights contribute to attributing certain “contents” to specific genders which can reinforce stereotypes and promote unequal treatment or discrimination.<sup>42</sup> On the other hand, not institutionalising special rights leaves women (conceived as a legal category) worse off than their male counterparts in terms of formal equal treatment. This dilemma persists, as legal rights must inevitably be linked to certain characteristics.

It is noteworthy that criticism towards female police officers who share a negative opinion on gender equality policies with their male colleagues comes from female officers in roles such as gender equality officers or those in high-ranking positions. This is not surprising, considering that higher-ranking female officers occupy a distinct position in the police service's hierarchical structure compared to their lower-ranking counterparts. Drawing on O'Connor Shelley et al.'s exploration of Acker's four processes of gendered institutions,<sup>43</sup> one can argue that female officers of rank may have faced more hurdles than their peers regardless of gender in lower ranks. Consequently, their perspective on policies influencing female officers' chances of promotion and recruitment may differ. Another possibility is that these respondents may have had more time and information to familiarise themselves with gender equality policies. Some even predict that education on these policies could nullify the current negative comments. While the complexity of the issue rules out a linear impact on personal perceptions, these findings suggest that increased education may reduce rejection or denunciation.

Considering this, the recent efforts of responsible authorities to enhance education on gender and equality issues in the police service are commendable. One potential strategy to improve the situation involves educating and informing stakeholders about gender equality policies and gender inequalities in general. By changing the perspective of involved parties and acknowledging that “[t]he flipside of gender discrimination [...] is the privileging of men,”<sup>44</sup> male officers can be held accountable

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<sup>41</sup> Brown, ‘*Suffering Rights as Paradoxes*’ (2000) *Constellations*, 7: 208-229. doi:10.1111/1467-8675.00183, 232.

<sup>42</sup> Holzleithner, ‘*Emanzipation durch Recht?*’ (2008) *Kritische Justiz*, 41 (3), 250–256, 253.

<sup>43</sup> O'Connor Shelley, Schaefer, Tobin-Gurley and Tobin-Gurley ‘*Gendered institutions and gender roles: understanding the experience of women in policing*’ (2011) *Criminal Justice Studies*, 24:4, 351-367, DOI: 10.1080/1478601X.2011.625698.

<sup>44</sup> Flood and Pease, ‘*Undoing Men's Privilege and Advancing Gender Equality in Public Sector Institutions*’ (2006) *Policy and Society*, 24(4), 119.

to contribute to better integrating women into the police service. This shift in the burdens associated with gender equality issues may empower male officers to manage and address structural inequalities.

## VI. Conclusion

The police force represents differentiated organisational cultures in which directives from the top, such as equal opportunities policies, not only find application but also undergo interpretation.<sup>45</sup> The ongoing discourse surrounding gender, equality, and diversity within the police is best comprehended through an approach that generates results by analysing current debates and the reported daily work experiences of female police officers. This exploratory study aims to provide empirical insights into the impact of gender equality policies on the vocational attitudes and experiences of female police officers. While gender-specific challenges emerge in the implementation of initiatives like gender mainstreaming within the police force, they are not confined to this domain alone; they also manifest in society at large and feature prominently in broader discussions on equality, diversity, and inclusivity. However, the unique nature of police culture must not be overlooked when delving into gender-related issues within law enforcement.

This article delves into the reasons behind officers' apparent disapproval of gender equality policies, identifying two primary factors: female police officers' perceptions of "equality" and a deficiency in information and education about gender equality issues. These factors contribute to highly negative responses from colleagues, impacting female officers directly. While the "women's advancement plan" has steadily increased the proportion of women in the Austrian police force over the years, the accompanying hegemonic masculine culture within the police has undergone minimal change. Similar to the late 1990s situation for women in policing in the UK,<sup>46</sup> equality policies in Austria are limited in the support they offer to female officers, who largely remain self-reliant.

These issues underscore that the police service's culture in both countries is still predominantly characterised by masculine themes, creating challenges for women entering or succeeding in this domain. The text refrains from providing a definitive answer on the feasibility of quota rules and other equality policies in fostering a more

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<sup>45</sup> Stöltzing 'Geleitwort zur Soziologie der Polizei', in: Grutzpalk, Bruhn, Fatianova, Harnisch, Mochan, Schülzke, Zischke, (eds.) Beiträge zu einer vergleichenden Soziologie der Polizei (Potsdam 2009) 7-12.

<sup>46</sup> Brown and King, 'Gender differences in police officers attitudes towards rape; Results of an exploratory study' (1998) *Psychology, Crime & Law*, 4(4) 265-279. 238.



equal workspace for female officers, as their potential is often compromised by flawed execution and unsuccessful integration into the field.

While legal measures such as gender equality legislation can contribute significantly to gender equality, they should not stand alone. Instead, an interplay of legal empowering mechanisms and a reshaping of the police service is essential for fundamental organisational change. Gender equality policies aspire to foster a gender-equal society while leaving the patriarchal system untouched.<sup>47</sup> Nevertheless, equal rights and active participation of women are indispensable prerequisites for reshaping societal structures. Legal measures can position women to influence social, political, and legal structures in favour of equality. Therefore, a structural reshaping and rethinking of the police service in Austria appear necessary for sustainable changes to take place.

Behr highlights that police culture relies heavily on homogeneity, explicitly lacking diversity.<sup>48</sup> This characteristic is evident in the data gathered for this research project. Despite minor shifts towards a more inclusive police culture, inherent barriers persist within the organisational culture, hindering the full integration of female police officers or those belonging to other marginalised groups (non-white, non-heterosexual, etc.). Equality, within this context, is often synonymous with adherence to the prevailing masculine ideal. This association negatively impacts police legitimacy, as the absence of certain groups (non-white, non-male, etc.) in policing raises concerns about the organisation's claim to social legitimacy.<sup>49</sup>

The Austrian Police currently lacks organisational or legal guidelines pertaining to the inclusion of individuals from marginalised groups, such as those belonging to minority ethnic groups or LGBTIQ+ communities. Drawing insights from examples in other countries and the attempts to integrate women into the Austrian police service, these provisions often prove insufficient in altering the ingrained culture within policing.<sup>50</sup> Therefore, such provisions should, at the very least, be accompanied by extensive and comprehensive policies addressing police culture. Ideally, they

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<sup>47</sup> Cordes, 'Gleichstellungspolitikern'.

<sup>48</sup> Behr, 'Diversität und Polizei: Eine polizeiwissenschaftliche Perspektive', in: Genkova, Ringeisen (eds) 'Handbuch Diversity Kompetenz: Perspektiven und Anwendungsfelder'. (Wiesbaden, 2016).

<sup>49</sup> Silvestri, Tong and Brown, 'Gender and Police Leadership: Time for a Paradigm Shift?' (2013) International Journal of Police Science & Management, 15(1), 61-73, 70.

<sup>50</sup> See e.g., UK Police: Casey, 2023 Report into the Met Police (Baroness Casey of Blackstock) <<https://www.ukpol.co.uk/wp-content/uploads/2023/03/baronesscaseyreport.pdf>>, accessed on 07 February 2024.

should be rendered redundant by a structural and cultural re-evaluation of the police and their societal role.

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