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### Dealing with “Dilemmas of Difference” in the Workplace

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# DISMANTLING “DILEMMAS OF DIFFERENCE”<sup>1</sup> IN THE WORKPLACE

*Rangita de Silva de Alwis,<sup>\*</sup> Sarah Heberlig,<sup>\*\*</sup> & Lindsay Holcomb<sup>\*\*\*</sup>*

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<sup>1</sup> MARTHA MINOW, MAKING ALL THE DIFFERENCE: INCLUSION, EXCLUSION, AND AMERICAN LAW 19 (1990).

<sup>\*</sup> Associate Dean of International Affairs at the University of Pennsylvania Carey Law School. She taught the seminar on the Women, Law, and Leadership and the Ideas Lab. She is also the Leader in Practice at Harvard Kennedy School’s Women and Public Policy Program (2019-2021), Senior Fellow at the Center on the Legal Profession, Harvard Law School and the Distinguished Advisor to UN Under Secretary General Phumzile Mlambo Ngcuka, Executive Director of UN Women. We dedicate this article to Martha Minow and Deborah Rhode whose teaching, scholarship and lives have inspired generations of women into positions of leadership in law and public life. Our exploration of personal narratives of women in leadership follow in the wake of a rich corpus of studies conducted by Deborah Rhode. Martha Minow in her celebration of Harvard Women’s Law Journal’s 20th anniversary wrote: “[...] personal narratives are harvested from the contemporary flourishing of legal storytelling and studies of law and literature—often by and about women.” 20 Harv. Women’s L.J. 1 Harvard Women’s Law Journal Spring, 1997 Perspectives on Our Progress: Twenty Years of Feminist Thought Introduction Essay Martha Minow. Our study focuses on the ellipsis that Minow references and attempts to fill in the gap through the narratives of primarily women of color.

<sup>\*\*</sup> University of Pennsylvania Carey Law School 3L student and Student Research Team Co-Leader of Penn Law’s Women, Law, and Leadership Ideas Lab and Trailblazer Report. [https://law.upenn.libguides.com/ld.php?content\\_id=51354339](https://law.upenn.libguides.com/ld.php?content_id=51354339).

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WORKPLACE

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*Over the course of six months, the University of Pennsylvania Carey Law School’s class “Women, Law, and Leadership” interviewed 55 women between the ages of 25 and 85, all leaders in their respective fields. Nearly half of the women interviewed were women of color, and 10 of the women lived and worked in countries other than the U.S., spanning across Europe, Africa, and Southeast Asia. Threading together the common themes touched upon in these conversations, we gleaned a number of novel insights, distinguishing the leadership trajectories pursued by women who have risen to the heights of their professions. Through thousands of hours of conversation with some of the world’s most influential and powerful women, this study identifies the primary barriers and biases faced by women of diverse backgrounds in the workplace, as well as the strategies and philosophies they adopted in order to overcome these impediments. While there is much commonality among the women’s experiences, women of color often face more pervasive and subtle barriers than their white counterparts. Their leadership strategies on how to address these insidious challenges, however, are rarely recorded. In this article, we give voice to these experiences.*

## INTRODUCTION

In 1984, sociologist Andrew Hacker wrote in *The New York Times Magazine*, “[t]he United States has made great progress toward ending barriers based on sex. In the years ahead, more women will be attaining what they want: to be considered full human beings, sharing the rights and opportunities — and paychecks — previously reserved for men.”<sup>2</sup> Between 1890 and 1980, women’s participation in the workforce had soared from 15 to 71 percent.<sup>3</sup> For all intents and purposes, it looked as though women were on track to overtake men in all fields, including segments of the workforce formerly reserved for men. As Hacker argued, “[u]nless total employment in the nation expands more rapidly than it has, some substantial number of men are going to continue to lose out in the job race to women.”<sup>4</sup>

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<sup>2</sup> Andrew Hacker, *Women vs. Men in the Workforce*, N.Y. TIMES (Dec. 9, 1984), <https://www.nytimes.com/1984/12/09/magazine/women-vs-men-in-the-work-force.html?searchResultPosition=1>.

<sup>3</sup> George Guilder, *Women in the Workforce*, THE ATLANTIC, (Sept. 1986), <https://www.theatlantic.com/magazine/archive/1986/09/women-in-the-workforce/304924/>.

<sup>4</sup> Hacker, *supra* note 2.

More than half a century later, however, women have not achieved such dramatic gains. The progress made by women in the 1970s and 1980s, who acceded to previously unattainable positions of power and authority, began to slow in the 1990s and has stalled completely since the early aughts.<sup>5</sup> Though today women earn more than half of all bachelor’s, master’s, and doctoral degrees, women’s labor force participation has remained in decline since 1999. Women comprise less than a fifth of senior leadership positions across the public and private sectors.<sup>6</sup> In law, women represent just 18 percent of equity partners at the largest firms,<sup>7</sup> and 21 percent of general counsels at Fortune 500 companies;<sup>8</sup> in academia, women account for less than 25 percent of full-time faculty and university presidents;<sup>9</sup> in politics, women comprise just 23 percent of congress;<sup>10</sup> and in the non-profit sector, women make up only 20 percent of leaders at large organizations.<sup>11</sup> In the business world, women represent just 4 percent of CEOs at all Fortune 500 companies and 21 percent of all C-suite positions.<sup>12</sup> The data paints an even bleaker picture for women of color, differently abled women, and LGBTQ women.

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<sup>5</sup> Robin J. Ely & Irene Padavic, *What’s Really Holding Women Back?*, HARV. BUS. REV. (Mar.–Apr. 2020), <https://hbr.org/2020/03/whats-really-holding-women-back>.

<sup>6</sup> TIFFANI LENNON, BENCHMARKING WOMEN’S LEADERSHIP IN THE UNITED STATES 5 (Shelley Popke et al. eds., 2013), <https://www.issuelab.org/resources/26706/26706.pdf> (“The report found that women, on average, constitute[] 18% of positional leaders...”).

<sup>7</sup> Lauren Stiller Rikleen, *Women Lawyers Continue to Lag Behind Male Colleagues: Report of the Ninth Annual NAWL National Survey on Retention and Promotion of Women in Law Firms*, NAT’L ASS’N OF WOMEN LAWS. (Oct. 27, 2015), <https://www.nawl.org/d/do/343>; Symposium, *Leading, Litigating and Connecting*, WOMEN OF THE SEC. OF LITIG. (Nov. 5–7, 2014).

<sup>8</sup> Rikleen, *supra* note 7; *Leading Litigating and Connecting*, *supra* note 7.

<sup>9</sup> DEBORAH L. RHODE, WOMEN AND LEADERSHIP 132 (2016).

<sup>10</sup> Drew Desilver, *A Record Number of Women Will be Serving in the New Congress*, PEW RSCH. CTR. (Dec. 18, 2018), <https://www.pewresearch.org/fact-tank/2018/12/18/record-number-women-in-congress/>.

<sup>11</sup> TIFFANI LENNON, RECOGNIZING WOMEN’S LEADERSHIP: STRATEGIES AND BEST PRACTICES FOR EMPLOYING EXCELLENCE 139–40 (2014).

<sup>12</sup> See Kerry Abrams, *Family, Gender, and Leadership in the Legal Profession*, WOMEN & L. 1, 1–2 (2020): “Our progress, however, is far from finished. In law, and in most elite professions, men still dramatically outnumber women in positions of leadership. Although half of law students and nearly half of lawyers are women, women make up only one-third of attorneys in private practice, 21 percent of equity partners, and 12 percent of the managing partners, chairmen, or CEOs of law firms. Men also run the corporations that we represent as lawyers: fewer than 5 percent of CEOs of Fortune 500 companies are women. Women are also underrepresented as lawmakers and interpreters of the law, making up about 24 percent of Congress, 18 percent of governors, 29 percent of state legislators, 27 percent of mayors of the largest one hundred cities, 27 percent of federal judges, and 35 percent of state appellate judges. Why, despite years of equality in

Ultimately, this chronic underrepresentation of women of all backgrounds in the upper echelons of public and private life undermines women's professional autonomy by narrowing perceived paths to success. By failing to see themselves represented at the heights of leadership, women might feel that their personal and professional growth has a definitive and unjust ceiling.

Over the past few decades, countless studies have posited various factors as impediments to women's ascension to leadership positions in numbers equal to men.<sup>13</sup> Few of the studies have focused on the real, lived experiences of those women who have reached these heights of the legal, academic, business, and political worlds. There is much to be learned from those who have surmounted innumerable challenges — including child-care responsibilities, implicit gender bias, the undervaluing of female labor, and even overt discrimination — to achieve striking professional success. While there is enormous diversity among the experiences of women leaders of different generations, races, and nationalities, the similar workplace experiences shared by this broad cross section of women lead us to believe that gender equality in the workplace and in the home is a moral imperative.

Over the course of six months, we interviewed fifty-five women<sup>14</sup> between the ages of twenty-five and eighty-five, all of whom are leaders in

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access to voting for lawmakers, do women still trail behind men in the legal profession? To understand what holds us back, I believe we need to look beyond political rights—voting, holding office, jury service—to gendered family norms and the workplace structures that reinforce these norms”; *Women in Management: Quick Take*, CATALYST (Aug. 11, 2020), <https://www.catalyst.org/research/women-in-management/>.

<sup>13</sup> See e.g., Deborah L. Rhode, *Leadership Lessons*, 83 TENN. L. REV. 713 (2016); Deborah L. Rhode, *Leadership Roundtable: Developing Leadership*, 52 SANTA CLARA L. REV. 689, 703–07, 717 (2012); Deborah L. Rhode, *Women and the Path to Leadership*, 2012 MICH. ST. L. REV. 1439 (2012); Deborah L. Rhode, *Lawyers as Leaders*, 2010 MICH. ST. L. REV. 413 (2010); Barbara Kellerman & Deborah L. Rhode, *Women at the Top: The Pipeline as Pipedream*, 21 ABOUT CAMPUS 11 (2017); Deborah L. Rhode, *Diversity & Gender Equity in Legal Practice*, 82 U. CIN. L. REV. 871 (2014); Deborah L. Rhode, *Women and work*, NAT'L L.J. (Dec. 8, 2003).

<sup>14</sup> The Women, Law and Leadership Seminar and Ideas Lab database, compiled by the Editorial Team Leaders, publicly features 51 transcripts of the 55 interviews conducted on transformative leadership. In addition to these publicly featured interviews, the remaining interviews coded and analyzed within the study included interviews with pioneers Lubna Olayan, Dina Powell, Ambassador Crystal Nix Hines, and Justice Sisi Khampepe of the South African Constitution Court. While not publicly featured within the database to respect interviewees' preferences, the substantive contributions from their interviews were accounted for in the thematic data analysis conducted by the research team.

their respective fields.<sup>15</sup> Nearly half of the women interviewed were women of color, and ten of the women lived and worked in countries other than the U.S., spanning across Europe, Africa, and Southeast Asia. Threading together the common themes touched upon in these conversations, this study identifies the primary barriers and biases faced by women of diverse backgrounds in the workplace as well as the strategies adopted by these women in order to overcome such impediments.

This article begins by reviewing the theoretical underpinnings of gender equality, and the ways in which we can apply these broad philosophical ideas to the workplace in order to better understand the moral argument for women’s professional advancement. Part two discusses the vocabulary and concepts of our argument. Part three explains the methodology of our study and the means by which we conducted our interviews with the fifty-five women leaders selected. Finally, part four analyzes the personal stories shared by our interviewees, focusing on the experiences of women of color in particular, and identifies common themes and points of tension among these narratives.

#### I. THEORETICAL UNDERPINNINGS AND DILEMMAS OF DIFFERENCE

Principles of equal dignity and respect for both men and women are now accepted as a minimum standard of moral culture throughout the Western world. Despite legislative and jurisprudential advances over the last century, however, gender equality is still awaiting full social realization. True egalitarianism demands the vigilance of an ongoing movement. It requires women in positions of power to continuously call out unfair practices that privilege men over women or deny women benefits that could increase their chances of career advancement or professional development. In that sense, one of today’s most pressing feminist challenges in the workplace is the need to acknowledge certain differences between men and women without reinforcing stereotypes, entrenching sexist ideas, or sacrificing equality.

Feminist legal scholars have long taken interest in finding ways in which to reconcile equal treatment with significant differences in the lived experience of men and women. Determining which issues, if any, ought to be taken into account in the context of workplace policies treads a fine line between reinforcing stereotypes and accommodating real, gendered needs. Few would deny the historical, statistical, and biological differences that continue to loom over women’s efforts at self-actualization in the workplace and in the home. Historically, women, but not men, have been systematically subordinated because of their sex, having been denied the right to vote, to divorce, to own property, to enter into contracts, and to have agency over their reproductive health, to name a few. Such

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<sup>15</sup> RANGITA DE SILVA DE ALWIS ET AL., *WOMEN LEADERS IN LAW AND BUSINESS: TRAILBLAZERS, INNOVATORS, AND DISRUPTERS IN THE LAW* (2019), [https://law.upenn.libguides.com/ld.php?content\\_id=51354339](https://law.upenn.libguides.com/ld.php?content_id=51354339).

widespread, methodical abrogation of women's rights and autonomy has cast a specter of inferiority or "secondariness" over their pursuits that lingers to this day. Statistically, women are likely to earn less than their male counterparts for the same work;<sup>16</sup> they are more likely than men to be responsible for caregiving in the family;<sup>17</sup> and they are likely to be relegated to jobs that pay less and have less avenues for career development.<sup>18</sup> As Catherine MacKinnon has written, "[w]omen work as women. The American workplace and work for women are divided according to gender. Compared with men, women's participation in the paid labor force is characterized by horizontal segregation, vertical stratification, and income inequality."<sup>19</sup> Finally, there are fundamental biological differences between men and women typified by the fact that only people with certain reproductive organs can become pregnant and bear children. When those individuals become pregnant or become mothers, they must navigate workplaces designed for people who are neither pregnant, nor historically involved in the bulk of childcare responsibilities. Ultimately, incorporating these fundamental differences into cogent and inclusive workplace policies can be difficult for feminists in that it requires taking stereotypes, detrimental customs, and sexist socialization seriously.

When organizations or communities refuse to acknowledge the differences between the individuals that constitute their ranks, they risk legitimizing customs and cultures designed in the interests of only the most powerful or numerous groups.<sup>20</sup> Consider, for example, a policy which requires that all employees attend one after-work networking event a week. While the policy is applied to employees equally, it fails to acknowledge the asymmetrical distribution of childcare responsibilities that might exist among men and women in the organization. Coming home late after a networking event might not concern male employees who, on average, bear less of the brunt of childcare responsibilities, while it might seriously inconvenience female employees who might feel pulled between work and family duties. Denying the existence of differences in men's and women's responsibilities outside of work only serves to exaggerate differences between men's and women's participation in the workplace. To that end, truly achieving gender equality demands treating distinct individuals

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<sup>16</sup> Nikka Graf et al., *The Narrowing, But Persistent, Gender Gap in Pay*, PEW RSCH. CTR. (Mar. 22, 2019), <https://www.pewresearch.org/fact-tank/2019/03/22/gender-pay-gap-facts/>.

<sup>17</sup> Joukje Swinkels et al., *Explaining the Gender Gap in the Caregiving Burden of Partner Caregiver*, 74 J. GERONTOLOGY: SOC. SCI. 309 (2017).

<sup>18</sup> Namita Datta, *Women in the Changing World of Work: Not Just More Jobs but Better Jobs for Women*, WORLD BANK BLOGS (Mar. 7, 2017), <https://blogs.worldbank.org/jobs/women-changing-world-work-not-just-more-jobs-better-jobs-women>.

<sup>19</sup> CATHERINE MACKINNON, *SEXUAL HARASSMENT OF WORKING WOMEN: A CASE OF SEX DISCRIMINATION* 9 (1979).

<sup>20</sup> MINOW, *supra* note 1, at 21.

with equal concern and respect rather than treating them identically, under the guise of ostensibly neutral policies.

This distinction, teased out initially by Ronald Dworkin, emphasizes an important chasm between the equal treatment of diverse individuals and the treatment of diverse individuals as equal. The idea that all persons are deserving of equal concern and respect does not in turn mean that men and women must be treated uniformly. The unequal distribution of particular benefits or privileges in service of leveling the playing field, or acknowledging the historical, statistical, and biological differences between men and women, is justified to the extent that it regards men and women with equal respect. Taking difference into account seems required for equal treatment, but it also seems to invoke unequal treatment in that it gives certain groups special benefits or specific advantages that men do not receive. As Martha Minow has written, “[t]he problems of inequality can be exacerbated both by treating members of minority groups the same as members of the majority and by treating the two groups differently.”<sup>21</sup> Rather than assuring equal treatment for all, ostensibly sex-neutral policies can more deeply ingrain stereotyped socialization and gender biases that ultimately serve to hinder women’s progress towards self-actualization. A presumption of equality guided by the understanding that while men and women are equal, they are not identical, allows for a more equitable and affirming distribution of opportunities.

In order to achieve policies premised on treatment as equals rather than equal treatment, however, the women leaders of today must identify and address what Martha Minow has referred to as “dilemmas of difference” — instances where the status quo is presumed as universal and inevitable rather than reflecting a particular, often patriarchal point of view. Such underlying patriarchal standards invisibly shape the culture and practices of workplaces of all stripes, reinforcing a presumption of masculine normativity that serves to exclude women. Dilemmas of difference are embedded in nearly every space of power because of the historic maleness imbued in such organizations. Women are compared with men, as an unstated norm, and are diminished as a result of their inability to conform to an impossible male standard. The perception of difference arises only where there is such an imbalance in power that a particular hegemonic group is able to assign labels that exclude or degrade others who are dissimilar to them. When women lead or contribute to public life, they can be disregarded or overlooked because the controlling narrative remains a standard of maleness and male leadership. This dilemma of difference isolates and minimizes the work of women who take action in their communities and workplaces. To that end, actualizing a form of substantive equality that rejects assimilation to a problematic and pre-existing male norm is the foremost prerogative of female leaders in the public and private spheres. By identifying these difference dilemmas, women in the

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<sup>21</sup> *Id.* at 20.

workplace can be shielded from facing personal and professional disadvantages that men do not face, including gendered microaggressions, inadequate maternity leave policies, inaccessible mentors, or employers who refuse to promote women.

Acknowledging dilemmas of difference in the workplace requires understanding that women are not a monolithic group and that the dilemmas that pervade social relations, policies, and practices in law firms and businesses do not stop at a divide between men and women. Rather, as this study hopes to tease out, dilemmas of difference arise along the contours of all intersectional identities — not just between men and women, but among women as a social category. Interpreting which differences should be included in the basic formulation of policy, determine fundamentally who can sit at the head of the table, who can lead, and who can make a mark.<sup>22</sup> For decades, white women have dominated the movement for more equitable white-collar workplaces via their material and rhetorical resources, and determined whether the intersectional differences of women of color will be incorporated into workplace practices.<sup>23</sup> Though white women's gendered experiences in the workplace are not monolithic, white women's representational, territorializing claim to women's experiences writ large serves to position white women as the normative subjects of the category of "working women."<sup>24</sup> As Kimberlé Crenshaw has written, "For white women, claiming sex discrimination is simply a statement that but for gender, they would not have been disadvantaged. For them there is no need to specify discrimination as *white* females because their race does not contribute to the disadvantage for which they seek redress."<sup>25</sup> As workplaces evolve and become more diverse, policies designed around white women as the normative female employee appear outdated and limited. Ultimately, paradigms of workplace inequity and gender discrimination that are based on the experiences of white women

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<sup>22</sup> See ELIZABETH V. SPELMAN, *INESSENTIAL WOMAN: PROBLEMS OF EXCLUSION IN FEMINIST THOUGHT* (1988); SHANNON SULLIVAN, *REVEALING WHITENESS: THE UNCONSCIOUS HABITS OF RACIAL PRIVILEGE* (2006); Bernice Johnson Reagon, *Coalition Politics: Turning the Century*, in *HOME GIRLS: A BLACK FEMINIST ANTHOLOGY* 343–55 (Barbara Smith ed., 1983).

<sup>23</sup> Aída Hurtado, *THE COLOR OF PRIVILEGE: THREE BLASPHEMIES ON RACE AND FEMINISM* (1996); *DECENTERING THE CENTER: PHILOSOPHY FOR A MULTICULTURAL POSTCOLONIAL, AND FEMINIST WORLD* (Uma Narayan & Sandra Harding eds., 2000).

<sup>24</sup> Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 U. CHI. LEGAL F. 139 (1989) (explaining that Black women are protected from sex discrimination only to the extent that their experiences overlap with white women's. Where Black women claim discrimination at the intersection of their femininity and their race, however, such claims are viewed as aberrant given that doctrinally, sex discrimination is centered on the experiences of white women).

<sup>25</sup> *Id.* at 144–45.

cannot claim to effectively represent those who occupy other positions in racial and gendered hierarchies.

Today, though feminist circles widely accept intersectionality theory, it has yet to gain traction in the context of law firms, technology companies, and financial institutions where the women interviewed in this study have carved out leadership positions. Unitary categories of identity remain the building blocks of anti-discrimination and affirmative action policies. The women leaders of today are therefore charged with countering difference dilemmas by undermining the ways in which issues that disparately impact women are formulated. Difference dilemmas are not accidental, but rather are perpetuated by social and legal design. As behavioral economist Iris Bohnet has argued, “[t]here is no design-free world . . . We constantly make choices about how to present information, structure interviews, or create teams, and we live day in, day out with the consequences of those choices.”<sup>26</sup> Racial and gender norms are no different. They remain embedded in the social fabric of every major organization, and from them trickles a slew of policies that both implicitly and explicitly disadvantage women. Once male norms are recognized as a social construct, however, they can become malleable and susceptible to environmental nudges that allow women to succeed at equal rates as their male counterparts. Gender-sensitive leadership allows women to leverage perceptions of difference towards enormous transformational ends. To that end, the primary challenge faced by women leaders today is invoking strategies and designs aimed at countering dilemmas of difference in whatever organizations in which they hold membership.

## II. CRAFTING A NEW VOCABULARY OF LEADERSHIP: MODERN LEADERSHIP FOR MODERN TIMES

For millennia, leadership has been the exclusive provenance of men. Nearly every seminal text on leadership reifies this view, limiting the social category of leader to a select and privileged few. These cultural touchstones shape the way in which the public thinks about leadership and renders those who are not considered “leaders” implausible figures in the upper echelons of governance. As Ronald Heifetz has discussed, “[p]erhaps the first theory of leadership — and the one that continues to be entrenched in American culture — emerged from the nineteenth century notion that history is the story of great men and their impact on society. (Women were not even considered candidates for greatness.)”<sup>27</sup> One only becomes a leader if others hail him or her as a leader. Thus, where women are an afterthought, perpetually and persistently excluded from prevailing leadership discourse, they are denied even the mere possibility of becoming leaders. The language by which they might be constituted as such simply does not exist.

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<sup>26</sup> IRIS BOHNET, *WHAT WORKS: GENDER EQUALITY BY DESIGN* 5, 6 (2016).

<sup>27</sup> RONALD HEIFETZ, *LEADERSHIP WITHOUT EASY ANSWERS* 16 (1994).

Consider some of the foundational texts which have informed mainstream understandings of leadership and provided the language through which leaders might be identified and hailed as such. While positing markedly different theories of leadership, these texts share a fundamental understanding that leadership must be defined along the lines of sex because of innate biological variances between men and women. Aristotle's *Politics*, for example, understands leadership as deriving from paternal and marital rule. "The male, unless constituted in some respect contrary to nature, is by nature more expert at leading than the female," Aristotle writes, tying biological difference to political naturalism.<sup>28</sup> Niccolò Machiavelli's *The Prince* equates femininity with unpredictability and lawlessness, categorically denying women's abilities as stable and sensible leaders due to biological impossibility. "Fortune is a woman, and it is necessary, if you wish to master her, to conquer her by force," Machiavelli writes.<sup>29</sup> In *The Social Contract*, Jacques Rousseau echoes this notion, explaining that men must always command because of certain "incapacities specific to women."<sup>30</sup> Apparently referring to menstrual cycles, he writes, "since they invariably impose intervals of inaction on her, there is sufficient reason to exclude her from this primacy."<sup>31</sup> That is, by nature's hand, women can never assert a right of command over men either at home or in political society.

Similarly, John Locke conceptualizes the impossibility of female leadership as a product of the power a husband has over his wife in his *First Treatise of Government*. There, Locke writes that since the dawn of time, women have been bound to subjection by men's "conjugal power ... to order the things of private concernment in his family ..."<sup>32</sup> Thus, before leadership can ever be actualized on the national stage, it is fomented in the home, where men can be expected to rule as monarchs over their wives.<sup>33</sup> In *Democracy in America*, Alexis de Tocqueville observes women cannot be leaders because "nature has established such a great variation in the physical and moral makeup of men and women, and she clearly intended to give different employment to their different faculties."<sup>34</sup> While Tocqueville explains gender equality's rhetorical importance in Americans' democratic vision, he simultaneously acknowledges that Americans do not believe that democracy should bring with it an overthrow of the husband's authority, nor should it enable women to

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<sup>28</sup> ARISTOTLE, *THE POLITICS* 21 (Univ. Chicago Press 1984).

<sup>29</sup> NICCOLÒ MACHIAVELLI, *THE PRINCE* 102 (Luigi Ricci trans. 1903).

<sup>30</sup> JACQUES ROUSSEAU, *THE SOCIAL CONTRACT* 4 (Cambridge Univ. Press, 1997).

<sup>31</sup> *Id.*

<sup>32</sup> JOHN LOCKE, *TWO TREATISES ON GOVERNMENT* § 48, 192 (Cambridge Univ. Press 1960).

<sup>33</sup> *Id.* at § 49, 193.

<sup>34</sup> ALEXIS DE TOCQUEVILLE, *DEMOCRACY IN AMERICA* 697 (Isaac Kramnick ed., Gerald E. Bevan trans., Penguin 2003) (1835).

direct “concerns outside the range of the family, or handle business dealings, or enter politics.”<sup>35</sup> For Tocqueville, women are far too virtuous and morally delicate to be leaders and therefore, they do not dare escape the “tranquil sphere of her domestic duties.”<sup>36</sup>

These texts, which form the foundations of so many American institutions, offer no space for women to attain the lofty heights of leadership. Instead, the texts reduced leadership to a narrow biological paradigm relying on gender essentialist notions of women’s capabilities. Women may be equal, at least nominally, but from the moment they are hailed as a girl, they are destined for domesticity, quietude, and perhaps subservience to the men in their lives. As Tocqueville wryly observed, “America is the one country where the most consistent care has been taken to trace clearly distant spheres of action for the two sexes ... but along paths that are never the same.”<sup>37</sup>

Although from a twenty-first century perspective, such distinctions may seem outdated and offensive, they persist in more veiled forms today. Contemporary scholarship on leadership operates from an ineluctable axis of maleness, casting women perpetually as supporting characters in man’s quest for power and control. Consider renowned political scientist Joseph Nye’s 2008 book, *The Powers to Lead*.<sup>38</sup> There, Nye outlines styles of leadership, but fails to mention even one woman as an example of a powerful or competent leader. Still, Nye’s suggestions about the character traits and skills that support effective leadership surely apply to women. Nye writes that good leaders have charisma, achieve group goals, develop both managerial and organizational skills, and employ practical knowledge.<sup>39</sup> Such qualities, unlike the biological traits emphasized by earlier writers, are not apportioned along the lines of sex.<sup>40</sup>

Still, even when women do attain these attributes of leadership, many struggle to view them as leaders in their own right. Belying the notion that leadership is the amalgam of certain favorable traits and experiences is the reality that the same gender bias Tocqueville observed in the 1830s prevails in modern American life, albeit in more muted forms. In the run up to the 2016 presidential election, for example, New York Times columnist David Brooks penned an editorial entitled “The Art of Gracious Leadership,” claiming that Hillary Clinton, despite a storied career in public life, was simply not a “gracious leader” because she did not appear “willing to relinquish control” and she did not “treat the world as a friendly and

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<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> JOSEPH NYE, *THE POWERS TO LEAD* (2008).

<sup>39</sup> *Id.* at 147–48.

<sup>40</sup> Kim Parker et al., *Women and Leadership: Public Says Women are Equally Qualified, but Barriers Persist*, PEW RSCH. CTR. (Jan. 14, 2015), [https://www.pewsocialtrends.org/wp-content/uploads/sites/3/2015/01/2015-01-14\\_women-and-leadership.pdf](https://www.pewsocialtrends.org/wp-content/uploads/sites/3/2015/01/2015-01-14_women-and-leadership.pdf).

hopeful place.”<sup>41</sup> In a confounding comparison to Abraham Lincoln, Mahatma Gandhi, and various World War II generals, Brooks deemed Clinton colder, more discourteous, and less willing to learn from her mistakes than all of these men.<sup>42</sup> For Brooks, Clinton’s shortcomings derived from her refusal to surrender control, her “brittle posture,” and her supposed view of her life as a “battlefield.”<sup>43</sup>

Such criticism bears a clearly gendered quality in its vastly divergent evaluations of practical, unsentimental traits in the context of male leadership versus female leadership. Even if women exhibit those characteristics stereotypically associated with leadership, they are denied leadership status to the extent that they transgress the bounds of appropriate female behavior. Where women emulate this male model of leadership, they are viewed as unlikeable, strident, overly aggressive, and ultimately, unsuited for positions of power.<sup>44</sup> Popular conceptions of leadership reaffirm paradigms of masculinity and maleness, where authoritative or power-seeking styles of leadership are valued only to the extent that they are performed by persons whose sex normalizes such behavior. In this sense, to hail a woman as a leader is a risky proposition insofar as such a labelling might induce a panic that she is losing her femininity or that she is not woman enough.<sup>45</sup> Countless studies of the public’s perceptions of female leaders have revealed that the public perceives hard-nosed organizational capacity as a negative quality of leadership when presented by women, but a positive quality of leadership when presented by men.<sup>46</sup>

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<sup>41</sup> David Brooks, Opinion, *The Art of Gracious Leadership*, N.Y. TIMES (Aug. 26, 2016), <https://www.nytimes.com/2016/08/26/opinion/the-art-of-gracious-leadership.html?searchResultPosition=4>.

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> RHODE, *supra* note 9, at 11.

<sup>45</sup> *Id.* As Deborah Rhode writes, “What is assertive in a man seems abrasive in a woman . . . or not feminine enough.” See also Vicki Schulz, *Reconceptualizing Sexual Harassment, Again*, 128 YALE L.J. 22 (2018); Jessica Fink, *Gender Sidelining and the Problem of Unactionable Discrimination*, 58 STAN. L. & POL’Y REV. 57 (2017).

<sup>46</sup> D. Anthony Butterfield & James P. Grinell, “Re-Viewing” *Gender, Leadership, and Managerial Behavior: Do Three Decades of Research Tell Us Anything?* in HANDBOOK OF GENDER & WORK 223, 235 (Gary N. Powell ed., 1999); Abigail Player et al., *Overlooked Leadership Potential: The Preference for Leadership Potential in Job Candidates Who Are Men vs. Women*, 10 FRONTIERS IN PSYCH. 755 (2019); Rindy Anderson & Casey Klofstad, *Preference for Leaders with Masculine Voices Holds in the Case of Feminine Leadership Roles*, 7 PLOS ONE 1 (2012); Anne Monroe et al., *Through a Gender Lens: A View of Gender and Leadership Positions in a Department of Medicine*, 24 J. WOMEN’S HEALTH 837 (2015); HANDBOOK OF RESEARCH ON PROMOTING WOMEN’S CAREERS (Susan Vinnicombe et al. eds., 2013); Alice H. Eagly & Steven J. Karau, *Gender and the Emergence of Leaders: A Meta-Analysis*, 60 J. PERSONALITY & SOC. PSYCH. 685 (1991); Alice H. Eagly & Sabine Sczesny, *Stereotypes About Women, Men, and Leaders: Have Times Changed?*, in THE GLASS CEILING IN THE 21ST

Ultimately, where leadership is understood as the amalgam of certain stereotypically masculine traits, acceptable only for men, women are wholly alienated from leadership discourse.

Given that the language of leadership is, and has always been, constructed by and for men,<sup>47</sup> the mere suggestion that women have the capacity to lead can be quite radical. To call a woman a leader is to place her in a politically enabling social category. It is to assert the possibility for new relations of power that subvert any notion of a stable, biologically determined social reality. Rather than defining leadership along the lines of biological difference, an examination of the real lived experiences of women leaders allows for non-essentialist, diverse understandings of the myriad ways in which women lead. The following interviews constitute an affirmation of women’s power to assert themselves in the public sphere and transcend the sex-based stereotypes that have for so long denied women’s ability to ascend to the heights of power. Cultivating a more inclusive vocabulary of leadership requires a reexamination of men and maleness as the focal points of effective governance. It requires listening to women leaders and learning from their experiences in order to ensure that the hierarchies of power that define the business, legal, and political worlds do not entrench male supremacy.

### III. METHODOLOGY

#### *The incubator for catalyzing change: the Women, Law, and Leadership Ideas Lab*

In the Fall of 2019, students from the University of Pennsylvania Carey Law School engaged with the Women, Law, and Leadership Ideas Lab taught by Associate Dean Rangita de Silva de Alwis. The “Ideas Lab” aimed to profile women leaders in both law and business, exploring intersectional identities in leadership and the way in which notions of leadership undergo radical change. To achieve this mission, the lab examined two important aspects: (1) dissecting the underpinnings of leadership philosophy by engaging with materials from prominent academics and thought leaders,<sup>48</sup> and (2) exploring leadership through narrative by tasking students with conducting interviews of influential women of the time. This paper focuses on the interviews conducted by students in the Ideas

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CENTURY: UNDERSTANDING BARRIERS TO GENDER EQUALITY (M. Barreto et al. eds., 2009).

<sup>47</sup> See, e.g., DOUGLAS MCGREGOR, *THE HUMAN SIDE OF ENTERPRISE* (1960); FRED FIEDLER, *A THEORY OF LEADERSHIP EFFECTIVENESS* (1967); PETER GUY NORTHOUSE, *LEADERSHIP: THEORY AND PRACTICE* (1997); JAMES MACGREGOR BURNS, *LEADERSHIP* (1978); BERT CANNELLA, *STRATEGIC LEADERSHIP* (2008); JOSEPH C. ROST, *LEADERSHIP FOR THE TWENTY-FIRST CENTURY* (1991).

<sup>48</sup> Studies from McKinsey, leadership theories by Deborah Rhode, McGregor Burns and Joe Nye, and leadership philosophies of historic leaders like Ida B. Wells and Mohandas Gandhi were examined and discussed.

Lab and highlights the importance of intersectional leadership — a type of leadership that normalizes diversity by celebrating the value accrued from differences in gender, race, and demographics. Over the course of six months, forty-five students conducted interviews with fifty-five female-identifying leaders.<sup>49</sup> Each interview lasted roughly one hour. The interviews took place in either a group class setting or on an individual basis, and utilized a mix of formats including videoconferencing, in-person, and phone conversations.

*The trailblazers embodying a new definition of women's leadership and inclusion*

Interviews did not follow a strict line of uniform questioning. Students were encouraged to ask follow-up questions as the conversations progressed, to develop questions based on the subject's role as a disruptor, and to delve into unexamined assumptions on diversity and women's leadership. Students particularly focused on (1) barriers and biases faced by each woman on her path to achieving a significant leadership position due to her intersectional identity or race; (2) strategies or solutions to transcending barriers faced; and (3) personal leadership philosophies or advice. Apart from the group interviews, which were conducted in class with invited speakers, each student was tasked with interviewing one additional self-identifying woman leader, adhering to the following selection criteria: (1) trailblazers in the law who have paved the way for other women, and who are committed to heterogeneity and diversity of race, ethnicity and thought; (2) trailblazers who are developing new policies, paradigms and practices in the global and political economies, as well as new technologies; (3) trailblazers whose personal and professional histories resonate with the young leader's own personal narratives and aspirations; (4) trailblazers who identify as women of color or who have an intersectional identity.

The paramount focus was on diversity and trailblazing. Diversity was initially defined as diversity of race, nationality, age, and professional sector, while trailblazing was conceptualized as examining certain behaviors, strategies, or unique thought processes that set each woman on a unique path to achieving success within traditionally male-dominated spheres. Of the women interviewed, 27 of 55 (49%) identify as women of color, or non-white; 12 of 55 (22%) live and work internationally or are not American; all women were between the ages of 25 and 85 at the time of the interviews, with 3 of 55 (5%) under 30 years old, 9 of 55 (16%) between 30 and 40 years old, 10 of 55 (18%) between 41 and 50 years old, 14 of 55 (25%) between 51 and 60 years old, 14 of 55 (25%) between 61 and 70 years old, 3 of 55 (5%) between 71 and 80 years old, and 2 of 55 (4%) over 80 years old; regarding professional sectors, each woman's role was

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<sup>49</sup> DE SILVA DE ALWIS ET AL., *supra* note 15.

identified as belonging to either the Business (10 of 55, 18%), Technology (4 of 55, 7%), Nonprofit and Government (11 of 55, 20%), or Legal (30 of 55, 55%) Sectors.

While there were no direct criteria with regard to what constituted a trailblazer within a chosen sector, students were encouraged to interview women with the capacity and authority to make decisions that could impact the culture, hiring practices, or policies within their organizations. As such, the women interviewed tended to hold titles like Founder, General Counsel, CEO, Senior Vice President, Judge, and Partner, among many others.

### *Codifying an expansive definition of leadership for the future*

Upon completion of the Ideas Lab course, the authors read and analyzed all of the transcribed narratives with the intent to understand how the leadership journeys of self-identifying women of color and those with intersectional identities were impacted by such identities. In analyzing every narrative, the goal was to understand how each of these women became trailblazers in their respective fields, as well as to critically evaluate their views surrounding women’s leadership and inclusion and what it means to be an aspiring woman-leader in today’s geopolitical context. To elucidate this goal, every interview was thematically tracked and color-coded for the following themes as they emerged within each narrative: leadership philosophy, barriers faced, male and female allyship, male opposition or tension, advice going forward/view of future, and contextual background. The themes were tracked according to the following pre-identified definitions:

- (1) **Leadership Philosophy:** This theme includes each woman’s view of effective leadership, including attributes, descriptions, or characteristics of leadership, as well as anecdotal descriptions of her own personal leadership style defined in her own words;
- (2) **Barriers Faced:** This theme is two-fold and includes coding for barriers faced, as well as mechanisms employed to transcend these barriers. Barriers are defined as any mention of structural or personal challenges in either attaining or retaining an active leadership role within her professional career due to gender, race, status, or any barriers incurred within her personal sphere. Mechanisms employed to transcend barriers are defined as specifically articulated strategies, advice, or coping mechanisms that women identified as either being helpful in overcoming barriers, or actions taken to buffer the impact of their challenges;
- (3) **Male and Female Allyship:** This theme includes general mentions of male or female support in enhancing each woman’s career progression or elevating their voices and ideas within the professional space. The theme was intentionally defined broadly to capture the full range of ideations of support, whether in the

form of formal mentorship and sponsorship, or received from equally-situated peers, or encouraging bosses or supervisors;

- (4) **Male Opposition or Tension:**<sup>50</sup> This theme includes any mention of male-presenting peers or supervisors hindering, delaying, interfering with, consciously or subconsciously, each woman's position, idea expression, or experience within her respective professional role or environment;
- (5) **Advice Going Forward/View of Future:** These dual themes are aimed at targeting both the specific and the general steps to success. Advice was defined as the specific steps or actionable guidance offered to each student, focusing on both professional and personal development or next steps. Future was defined as the transformative view of women's participation and contribution within society and the economy at large—a picture of the future of women's involvement and participation to reflect the impact of changing perceptions and societal movements;
- (6) **Contextual Background:** This theme refers to the geopolitical environment or backdrop against which each woman was raised or navigated within during her personal and professional journey. Backgrounds included ideas of social norms and cultural practices within specific countries or workplaces, as well as influences from external forces, such as societal movements, that impacted each woman's personal and professional growth and personhood.

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<sup>50</sup> The scope of this study and its subsequent analysis highlighted male opposition or tension, as subjects selected for interviews were pinpointed specifically for their trailblazing success within traditionally male-dominated spheres. As such, Male Opposition or Tension was specifically coded for as an independent theme. In the event that interviewees faced opposition from female-identifying peers or supervisors, such experiences were coded within the Barriers Faced theme. The authors recommend future analysis in determining if opposition or tension faced by interviewees significantly hinged on gender-presenting identification before conclusions can be significantly drawn.

TABLE 1: THEMES DEFINED BY RESEARCHERS AT THE OUTSET AND EXEMPLIFIED IN THE NARRATIVES		
Theme	Definition	Anecdotal Exemplification
<b>Leadership Philosophy</b>	View of effective leadership; unique personal leadership style	<i>“One must realize that leadership isn’t pounding the table, it isn’t being the most aggressive, but it is figuring out how to be the most effective, figuring out how to actually get things done and make them stick as opposed to worrying about being the loudest or who is going to get the credit at the end of the day.”</i> Amy Weaver, General Counsel, Salesforce (Tech) <sup>51</sup>
<b>Barriers Faced</b>	Structural or personal challenges faced; strategies utilized to transcend barriers	<i>“It is likely that I am not going to find anyone who looks like me, talks like me, is like me, is a colored woman like me—I’m not going to see that.”</i> Kamakshi Sivaramakrishnan, Founder & CEO of Drawbridge, Inc (Tech) <sup>52</sup>
<b>Male and Female Allyship</b>	Ideations of support in the form of mentorship or sponsorship from peers or superiors	<i>“My experiences being mentored impressed upon me the importance of mentoring others. [...] I want young people to understand that they are so important to our desired outcomes in this country and this world. If we empower young people to create change and work with care and feeling for the greater good, the world is going to be a better place. It’s so important to cultivate personal responsibility.”</i> Rhonda Powell, General Counsel, BuzzFeed (Law) <sup>53</sup>

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<sup>51</sup> DE SILVA DE ALWIS ET AL., *supra* note 15, at 99.

<sup>52</sup> *Id.* at 29.

<sup>53</sup> *Id.* at 212.

<p><b>Male Opposition or Tension</b></p>	<p>Male-presenting peers or supervisors interfering with woman's professional achievement</p>	<p><i>"It was an environment where I had a boss that was flirting with me that was clearly the level of sexual harassment. I had another male attorney looking through my files – we shared a secretary – trying to find something I had done wrong to show to the boss because I was winning cases and he was losing cases. I had gone through secretaries who didn't want to do my work because I was a woman, so I had to do some of that on my own."</i> Gretchen Myers, St. Louis Personal Injury Lawyer (Law)<sup>54</sup></p>
<p><b>Advice Going Forward/View of Future</b></p>	<p>Specific steps or actionable guidance for students; transformative view of women's participation within society/economy at large</p>	<p><i>"We need to understand as women that not only can we be mothers, we can also be world leaders and professional women and whatever else we choose without being constrained by the roles and responsibilities tradition has set aside for us. Have I been there 24/7 for my daughter? Absolutely not. But I have established a narrative in my household that helps my daughter and other young women understand they can be whomever they want to be."</i> Natalie Jabangwe, CEO, EcoCash (Tech)<sup>55</sup></p>
<p><b>Contextual Background</b></p>	<p>Geopolitical environment or backdrop against which each woman navigated</p>	<p><i>"When I started my career, there were only few Emirati women doing what I do and there is a stigma associated with being Emirati, possibly being a woman, wearing a veil. These are all factors which can lead people to make certain assumptions about you [...]. People may try to put you in a certain box and when you do not measure up to that, it frustrates them and in an effort to understand you people may react with confusion."</i> Fatima Al Qubaisi, Corporate Law (Business)<sup>56</sup></p>

<sup>54</sup> *Id.* at 170.

<sup>55</sup> *Id.* at 27.

<sup>56</sup> *Id.* at 57.

*In their own words: cross-industry narrative capsules demonstrate transformation of the future of inclusive women’s leadership*

Upon completion of coding, each isolated theme underwent two parts of analysis. The first was from a general perspective, hinging on each participant’s identification as being a woman. In this analysis, emphasis was placed on understanding how each participant’s identification as a woman impacted her ascension to leadership, introduced a unique set of barriers, or encouraged her to develop strategies to facilitate transcending these barriers. The second analysis involved specifically elevating the stories of women of color, or those with intersectional identities, and exploring how the racial aspect of their identity directly impacted her experience within high-profile leadership spaces.

#### IV. DATA ANALYSIS

##### *Part I: A focus on Feminist Identity and Leadership*

Of the six pinpointed themes, well over half of the women interviewed made reference to the following four as simultaneously influencing their ascension to leadership and/or serving to help define their expanding notion of inclusive leadership: Leadership Philosophy (31 of 55, 56%), Barriers Faced and Transcending Barriers (52 of 55, 95%), Male and Female Allyship (45 of 55, 82%), Advice Going Forward/View of Future (46 of 55, 84%). Only two themes, Male Opposition or Tension (1 of 55, 2%) and Contextual Background (25 of 55, 45%), were mentioned by less than half of our sample. Due to the overwhelming focus on Barriers Faced and Transcending Barriers — nearly all 55 women interviewed made reference to this thematic category — we deemed this topic to be a fundamentally important aspect to each woman’s leadership journey and view of inclusive leadership, independent of industry or generational backdrop. Therefore, we further expound on them in a designated subsection, analyzing both the barriers most often mentioned, and the specific strategies used to transcend these barriers, in greater detail. Before this in-depth analysis, however, we offer synopsis findings of the other five themes and posit why two of the themes received a lesser degree of attention.

##### *Leadership Philosophy*

When discussing their personal leadership philosophies and views of effective leadership, a common approach of holistic, collaborative, and inclusive leadership arose. The women interviewed had difficulty pinpointing a single specific characteristic or action that translated into effective leadership, and instead perceived effective leadership as specifically calibrated and tailored to those individuals that comprised their teams. In other words, effective leadership meant focusing on fluidity and flexibility by actively cultivating a followership within their teams. As an African CEO of a pioneering FinTech company noted, “[l]eadership is

followership; you are not a leader if you do not have followers, and you are not a leader if you do not provide change and transformation for the people around you. It cannot be about ourselves; it always has to be about what we can provide for other people.”<sup>57</sup> Many of the women further described how they exercised this flexibility in leadership by prioritizing vulnerability and authenticity, tailoring their leadership responses as necessary to ensure each of their team members felt valued and seen. A Black General Counsel at a retail and outdoor recreation services corporation noted:

“[s]o many of the attributes assigned to women are increasingly attributes that one assigns to effective leadership: empathy, compassion, collaboration. People who will listen and ask questions, rather than have the answer or feel like they need to have the answer. In thinking about the trajectory of my career, I’ve seen an evolution of what’s expected of leaders. Certainly, you have a lot about being an authentic leader, being a vulnerable leader, which is something that I do think that women tend to, for cultural and other reasons, lean in on, instinctively more than men. Your poise, to the degree that you’re able to incorporate those capabilities, competencies, and ways of showing up, that’s what’s being demanded today in organizations that are expected to be innovative, in creating collaborative spaces for diverse perspectives to be heard and shared.”<sup>58</sup>

Additionally, the women distinguished one other important aspect to effective leadership — elevating others, including women and minority voices. Nearly every woman interviewed identified a forward-looking approach to leading that prioritized paving the way for others as a primary pillar and responsibility in both their leadership outlook and style of leadership.

#### *Male and Female Allyship*

Addressing allyship as it relates to career advancement and professional development, interviewees expressed an overarching positive view of establishing both broad and diverse networks. An Indian American senior executive at a startup company shares her view of allyship and mentorship, which appropriately encapsulates each of the aforementioned themes:

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<sup>57</sup> *Id.* at 26. Natalie Jabangwe, CEO of EcoCash, the mobile money service of Econet Wireless, a leading wireless telephone company in Zimbabwe.

<sup>58</sup> *Id.* at 15. Wilma Wallace, General Counsel of REI, the American retail and outdoor recreation services corporation.

“It is extremely important to find mentors and build relationships with people you meet along the way. These people can be male or female; they can be much older than you or even your same age. It is important to learn both from anybody who has experiences that are different from your own, and people that you aspire to be one day. [...] Also, you can do the opposite, and everyone in your class can be mentors right now too. You could mentor people in high school or college, people applying to law school right now, and people that are in the first year of law school right now. That can go far in your career, and you never know how you will grow when you are a mentor for other people.”<sup>59</sup>

A commonality emerged amongst all interviews — the women emphasized the critical role that diversity played in establishing their strong networks of support which eventually culminated in their subsequent successes, with the following concepts most frequently referenced: differentiating between mentorship and sponsorship,<sup>60</sup> advocating for a varied and diverse conglomeration of support spanning a multitude of industries,<sup>61</sup> seeking out both female and male mentors,<sup>62</sup> and finally, emphasizing reciprocity by prioritizing being a mentor.

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<sup>59</sup> *Id.* at 150. Sheena Badani, Senior Director of Marketing at Gong.io, a revenue intelligence startup for B2B sales teams.

<sup>60</sup> *Id.* at 141. Elizabeth Pollman, Professor of Law at University of Pennsylvania Carey Law School differentiated between mentorship and sponsorship by stating, “[...]expanding on the question to include “sponsors” because I think they are really important and play a somewhat different role in helping advance a career. Sponsors help open doors, make introductions, advocate and give endorsements.”

<sup>61</sup> *Id.* at 137. Carolyn Edgar, Managing Counsel, Technology and Intellectual Property at BNY Mellon emphasized the importance of a varied and diverse network: “[o]ne of the most important things women of color can do in the workplace and that can help you is establishing your support network, both within your organization and outside your organization. That might be a network of women, a network of people who you know have your back, who may not necessarily look like you, or share your gender, or your race, or your background, but people who you know understand and care. Your network of people from outside the organization [...] and they weren’t biased in favor of the law firm, so they could give me their read on the situation based on their experience, which was really helpful.”

<sup>62</sup> *Id.* at 99, 239. Amy Weaver, General Counsel of Salesforce shared her view that men are critical to female mentorship and advancement: “[w]hat you need is allies. Every group needs allies. For women that means we need men involved, very much, in these conversations. It is absolutely critical to them and their livelihood as well”; Yvonne Esperanza Campos, judge of the Superior Court of San Diego county, further echoed this point and emphasized the importance of diversity in mentorship and allyship: “I have been mentored by men and women of

*Advice Going Forward/View of Future*

Two themes were commonly mentioned: (1) the duality of maintaining optimism about the expanding scope of women's participation in the greater global economy, and (2) women's increased access to, and greater visibility within, prominent leadership spaces.<sup>63</sup> For example, a white former judge and current director of a nonprofit stated:

“Develop your own style. There are many more women leaders in the world now. When you go to a law firm, you'll see that many of the leaders are still men. I think that young women should feel that they can develop their own style and they don't need to emulate the male leaders. And find something you're passionate about. I really think that while there are obviously still limits in life to what people can accomplish based on gender, I think for young women leaders today that they should feel that the walls are breaking down and that you can push through.”<sup>64</sup>

Set against an expanding backdrop of opportunity, many of the interviewees advised young professionals to prioritize individuality and self-advocacy in order to develop a unique leadership identity. Rather than yielding to pressures to conform with antiquated societal norms and typical gendered leadership expectations and paradigms, the interviewees advocated for individuality and expressed optimism for a new normal in which women are valued for their individual brand of leadership.

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many ages, races, religions and backgrounds and I have paid it forward by mentoring all types of students and lawyers.”

<sup>63</sup> *Id.* at 26. Natalie Jabangwe, CEO of EcoCash, offered insights on the expanding scope of opportunity for women by describing her outlook of her daughter's future, “Recently, I asked my daughter, who just turned seven, what she wants to do when she grows up. She told me she wants to have three jobs: an astronomer, a sea life saver, and a good mom. I think she got the concept of multitasking from watching her mother, who has managed to be a mom, a leader, and the chief executive of a company. She will grow up understanding that she can play all of these roles.

We need to understand as women that not only can we be mothers, we can also be world leaders and professional women and whatever else we choose without being constrained by the roles and responsibilities tradition has set aside for us.”

<sup>64</sup> *Id.* at 178. Judy Kluger, a former New York state judge and current Executive Director of Sanctuary for Families. Sanctuary for Families is a nonprofit services organization that advocated for survivors of domestic violence, sex trafficking, and related forms of gender violence.

*Male Opposition or Tension and Contextual Background*

Women vocalized these two themes least often, with less than half of the interviewees alluding to each. Initially this surprised the authors and the Ideas Lab class, as much scholarship has recently focused on elucidating intangible power differentials and the subsequent inhospitable environments that these differentials create — both professionally and personally — that directly impede women’s advancement.<sup>65</sup> Society has come to recognize that women are subjected to gender sidelining, or a multitude of subtle but significant “slights” that culminate in a resounding negative impact on their growth within professional and societal spheres. Our interviewees acknowledged this reality, but duly accepted it as the status quo within which women must navigate. A renowned Black law professor at the University of Pennsylvania Carey Law School shared:

“I think the answer is to make changes in the workplace and in homes, both public and private arenas, that support people so that they can take leadership positions. Everything I talked about is not about the failure of women to lean in, it is about the failure of workplace structure and our public policies to support women who want to be leaders and have the qualities of leadership. Structures and stereotypes working together — that is the concern I have.”<sup>66</sup>

While many of the women recognized and articulated that they operate within professional and personal environments that were not constructed to facilitate their success, they dismissed it as an unfortunate norm. This was true across generations: a young Saudi Arabian Senior

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<sup>65</sup> Fink, *supra* note 45, at 57. Characterizes the “[...] subtle but significant undercurrent of less obvious gender bias in the workplace today,” that women must navigate within as “gender sidelining.” Gender sidelining is defined as: “In a variety of settings—from conventional boardrooms and factory floors to less conventional workplaces like the art studio, the athletic field or the political stage—women experience a broad range of adverse treatment at work that the law does not address: Male workers often garner more of the limelight than their female coworkers, attracting more attention and recognition. Women often lack access to important opportunities or feel subjected to greater scrutiny than their male peers. The media often portrays female workers in a demeaning or condescending manner, belittling or diminishing their contributions. None of these slights, in isolation, likely would give rise to a viable antidiscrimination claim. Yet collectively, these incidents— which constitute what this article refers to as “gender sidelining”—accumulate to create very real obstacles and barriers to advancement for women at work.”

<sup>66</sup> See DE SILVA DE ALWIS ET AL., *supra* note 15, at 249. Dorothy Roberts, Professor of Law at University of Pennsylvania Carey Law School.

Associate at a top-tier Vault 100 law firm framed the same tensions between the rhetoric and reality.

“Saudi Arabia is putting a tremendous effort towards gender equalization and have in the past few years placed females in sensitive high governmental positions. That said, we have a long way ahead of us to reach an era where women are completely equal to men. This is because while the government is enacting rules to support women, the government cannot, unfortunately, control individuals’ behavior, particularly in the private practice, where a woman would be denied an opportunity on the basis of gender.”<sup>67</sup>

As this and other interviews demonstrate, male opposition and the contextual and cultural background against which the interviewees operate represent very real impediments to women’s personal and professional leadership narratives.<sup>68</sup> The lack of frequent articulation of these themes is not due to a devaluation of their importance in shaping each woman’s leadership narrative. Rather, the lack of robust mention can best be attributed to each woman’s cognizance and acceptance of an unfortunate status quo, whereby their energies are better channeled to devising strategies and techniques to transcend these barriers. As such, the interviewees utilized a majority of the interviews (95%) to relay explicit approaches to counteracting these barriers until broad societal change can be realized.

#### *Barriers Faced and Transcending Barriers*

Nearly every interviewee, fifty-two of fifty-three, referenced aspects of their experiences that warranted coding under “Barriers Faced and Transcending Barriers.” Regarding Barriers Faced, the majority of interviewees specifically referenced the following: lack of visibility — physical visibility in the office due to an inability to work late hours because of

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<sup>67</sup> *Id.* at 37. Waad Alkurini, Senior Associate at White & Case LLP.

<sup>68</sup> *Id.* at 170. Gretchen Myers, St. Louis Personal Injury Lawyer, describes the male opposition and tension that she faced as young female lawyer: “It was an environment where I had a boss that was flirting with me that was clearly the level of sexual harassment. I had another male attorney looking through my files — we shared a secretary — trying to find something I had done wrong to show to the boss because I was winning cases and he was losing cases. I had gone through secretaries who didn’t want to do my work because I was a woman, so I had to do some of that on my own. I had a secretary who would get one letter out a day for me and get out everything the male she was doing her work for and when I reported that to the hierarchy, I almost got fired versus the secretary getting reprimanded. I had gone on three maternity leaves. Back then, this firm gave three weeks for maternity leave. I would save up my sick days and vacation days, so I could be off and because I didn’t want any woman in this position coming after me to be thought of as a burden to the firm.”

caregiving obligations at home (7 of 52, 13%) and work-product visibility arising from lack of self-promotion or self-advocating (4 of 52, 8%); failure to meet preconceived notions of where women belong within society, resulting in microaggressions (10 of 52, 19%); women’s own choice in opting out of the leadership track (7 of 52, 13%); the pressure of having to relentlessly modify and assess behavior, so as not to overly conform to gendered leadership norms and appear as either too feminine or too aggressive (6 of 52, 12%); and the inaccessibility of a career-advancing professional network due to a firmly rooted “old boy’s network” (3 of 52, 6%).

Regarding Transcending Barriers, the women most frequently recommended the following outlooks and strategies: maintaining self-confidence and elevating one’s voice (19 of 52, 37%); supporting the *effective* implementation of diversity-promoting policies (16 of 52, 31%); enhancing individual visibility within the professional setting through active self-promotion, and championing for work-from-home policies that ease caregiving responsibilities and minimize workplace penalties due to lack of physical visibility (8 of 52, 15%); holding others directly accountable by speaking out in the face of unfavorable behavior (7 of 52, 13%); utilizing communication through one-on-one interactions to surmount imbedded stereotypes (6 of 52, 12%); seeking a supportive spouse (4 of 52, 8%); society’s general shift toward appreciating a “woman’s style” of holistic leadership (4 of 52, 8%).

While commonly referenced barriers can be collected and tabulated amongst our interviewees, such references ignore the role that intersectional identities play in compounding these barriers. As such, in the section that follows, we expound upon the necessary acknowledgment of intersectional identities, moving away from the monolithic idea that *all* women encounter a set of common barriers, and instead underscore that lived experience must be analyzed and interpreted through a lens of intersectionality.

### *Part 2: A Focus on Race, Intersectionality, and Leadership*

Among the fifty-five women’s responses, major divergences in experience and advice occurred along three dominant lines: age, race, and professional field. Older women had views on overcoming barriers discrete from younger women; Black women had different experiences from white women; and women working in technology had insights that women working in law did not. At the intersections of these various facets of leaders’ identities, even more nuanced experiences were revealed. While it is important to resist generalizations, focusing on the ways in which diverse groups of women’s lived experiences impact the way in which they see the world is a crucial step towards resisting a monolithic notion of women’s leadership. As Marcel Proust famously wrote in *Remembrance*

of *Things Past*, “[t]he real voyage of discovery consists, not in seeking new landscapes, but in having new eyes.”<sup>69</sup>

Nearly fifty percent of the women interviewed in this study self-identified as persons of color. These women worked in law, business, technology, and government; they lived everywhere from San Francisco to New York City, Harare to Riyadh, and London to Jakarta; they had immensely disparate beliefs and ideological commitments, but they shared a common experience of feeling uniquely marginalized at the cross-section of race and gender.<sup>70</sup> Though these women had reached the highest echelons of their fields, their paths to the top were hardly easy. Some faced discrimination in overt forms — such as white male colleagues refusing to work with or mentor them — but many faced challenges of a subtler variety as well. Their intelligence was doubted, they were left off of important phone calls, or their efforts to contribute to their organizations often went unnoticed.<sup>71</sup> Patrice Cullors, one of the co-founders of Black Lives Matter, summed up this experience in her memoir when she wrote that “living in patriarchy means that the default inclination is to center men and their voices, not women and their work.”<sup>72</sup> Here, we hope to give space to those women who so generously shared their wisdom and their experiences with us, in order to dismantle some of the systems and hierarchies that work to disadvantage women of color in the workplace.

### *Stereotypes*

When navigating the social and professional dynamics of their workplaces, women of color often confront racial stereotypes that impede their advancement in ways that do not affect white women. One of the most pernicious examples of these stereotypes, which was addressed by several interviewees, is that of the “angry black woman.” In one interview, Regina Austin highlighted this derisive trope as the “notion that black women are

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<sup>69</sup> MARCEL PROUST, REMEMBRANCE OF THINGS PAST 336 (Vintage 1982).

<sup>70</sup> See DE SILVA DE ALWIS ET AL., *supra* note 15, at 133. As one of our respondents, Professor Serena Mayeri, explained, “I think often times the people who are at the intersection of different categories of disadvantage are both in the best position to see the way forward and to take on some of the most difficult questions facing people who are marginalized in various ways.”

<sup>71</sup> D. Wendy Greene, *Black Women Can't Have Blonde Hair . . . in the Workplace*, 14 J. GENDER RACE & JUST. 405, 411 (2011); Andrea L. Dennis, *Because I Am Black, Because I Am Woman: Remediating the Sexual Harassment Experience of Black Women*, 1996 N.Y.U. ANN. SURV. AM. L. 555, 559 (1996); Charles B. Adams, *The Impact of Race on Sexual Harassment: The Disturbing Confirmation of Thomas/Hill*, 2 HOW. SCROLL: SOC. JUST. REV. 1 (1993); Crystal Powell, *Bias, Employment Discrimination, and Black Women's Hair: Another Way Forward*, 2018 BYU L. REV. 933, 939 (2019); Carla D. Pratt, *Sisters in Law: Black Women Lawyers' Struggle for Advancement*, 2012 MICH. ST. L. REV. 1777, 1781 (2012).

<sup>72</sup> PATRICE KHAN-CULLORS & ASHA BANDELE, WHEN THEY CALL YOU A TERRORIST: A BLACK LIVES MATTER MEMOIR 219 (2018).

emasculating and bossy.”<sup>73</sup> Such negative stereotypes trickle into the workplace and embed themselves into office culture, priming non-Black co-workers to perceive certain behaviors negatively in black women that they would perceive positively in other demographics.<sup>74</sup> According to sociologist Brittney Cooper in her book *Eloquent Rage: A Black Feminist Discovers Her Superpower*, “angry Black Women get dismissed all the time. We are told we are irrational, crazy, out of touch, entitled disruptive, and not team players ... Angry Black Women are looked upon as entities to be contained, as inconvenient citizens who keep talking about their rights while refusing to do their duty and smile at everyone.”<sup>75</sup> This distorting lens can impact the way in which black women are viewed by their colleagues when they speak up in meetings, take the lead on an important project, or delegate tasks to members of their teams. For instance, what many would praise as assertiveness in a man can be seen as “domineering” behavior when coming from a black woman.<sup>76</sup>

Carolyn Edgar, Managing Counsel at the Bank of New York Mellon, explained that she believes such stereotyping can cause women to internalize these views, impeding their career advancement. “I think one of the mistakes we make as women of color is that we are so stymied by the notion that we can’t come off as ‘the angry black woman’ or ‘the angry Latina’ or ‘the ice lady,’ whatever the stereotype may be, that we fail to assert ourselves and we fail to demonstrate our leadership and it gets held against us,” Edgar explained. “You have to read the situation, read the room, and if you’re in a position to take advantage of why you were there, then you should. You shouldn’t let your personal diverse culture or background stop you from asserting yourself where that’s appropriate for the situation.”<sup>77</sup> Edgar’s comments highlight the perniciousness of workplace stereotyping: negative tropes affect not only the way other people perceive women of color, but also the way that women of color see themselves.<sup>78</sup>

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<sup>73</sup> See DE SILVA DE ALWIS ET AL., *supra* note 15, at 182. Regina Austin, William A. Schander Professor of Law at the University of Pennsylvania Carey Law School.

<sup>74</sup> Robert W. Livingston et al., *Can an Agentic Black Woman Get Ahead? The Impact of Race and Interpersonal Dominance on Perceptions of Female Leaders*, 23 PSYCH. SCI. 354 (2012); Beth G. Chung-Herrera & Melenie J. Lankau, *Are We There Yet? An Assessment of Fit Between Stereotypes of Minority Managers and the Successful-Manager Prototype*, 35 J. APPLIED SOC. PSYCH. 2029 (2005).

<sup>75</sup> BRITTNEY COOPER, *ELOQUENT RAGE: A BLACK FEMINIST DISCOVERS HER SUPERPOWER* 13 (2018).

<sup>76</sup> See, e.g., Stephanie Bornstein, *The Law of Gender Stereotyping and the Work-Family Conflicts of Men*, 63 HASTINGS L.J. 1297, 1335 (2012); Stephanie Bornstein, *Equal Work*, 77 MD. L. REV. 581, 634 (2018); Daniel Ames et al., *Interpersonal Assertiveness, Inside the Balancing Act*, 11 SOC. & PERSONALITY PSYCH. COMPASS 1 (2017).

<sup>77</sup> See DE SILVA DE ALWIS ET AL., *supra* note 15, at 135.

<sup>78</sup> Khiara M. Bridges, *The Nerve: Women of Color in the Legal Academy*, in *WOMEN & LAW* 65 (2020) (joint publication of the top sixteen law reviews); J.

Black women in the office might come to doubt themselves or self-censor if they believe that voicing their opinions or taking charge of a matter will backfire and cause their colleagues to view them in a negative light.<sup>79</sup>

Stereotyping can also have an insidious impact on career advancement for Asian women, who may be discounted by superiors who stereotype them as having a quiet, passive, or non-confrontational disposition. A study of women professionals who self-identified as Asian American found that nearly all participants had felt discriminated against at some point in their careers.<sup>80</sup> Many reported that they felt colleagues viewed them as lacking leadership traits and as being submissive, passive, quiet, or invisible. A recent report on the tech industry in Silicon Valley found that Asian women are the least likely demographic to become executives of all groups divided by race and gender.<sup>81</sup> A Yale Law School study assessing the experiences of Asian Americans in the legal profession found that while Asian Americans are the largest minority group in big law firms, they have the highest attrition rates and lowest ratio of partners to associates.<sup>82</sup>

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Clay Smith, Jr., *Black Women Lawyers: 125 Years at the Bar; 100 Years in the Legal Academy*, 40 HOW. L.J. 365 (1997); Helen A. Moore et al., *Splitting the Academy: The Emotions of Intersectionality at Work*, 51 SOC. Q. 179 (2010).

<sup>79</sup> Kenneth W. Mack, *A Social History of Everyday Practice: Sadie T.M. Alexander and the Incorporation of Black Women into the American Legal Profession, 1925-1960*, 87 CORNELL L. REV. 1405 (2002); David B. Wilkins, *Two Paths to the Mountaintop? The Role of Legal Education in Shaping the Values of Black Corporate Lawyers*, 45 STAN. L. REV. 1981 (1993); Dorothy Roberts, *Complicating the Triangle of Race, Class and State: The Insights of Black Feminists*, 37 ETHNIC & RACIAL STUD. 1776 (2014); Marissa Marquez, *Are You an Attorney Too?: The Impact of Intersectionality on the Career Advancement of Women of Color*, 55 HOUS. LAW. 12 (March/April 2018).

<sup>80</sup> Shruti Mukkamala & Karen L. Suyemoto, *Racialized Sexism/Sexualized Racism: A Multimethod Study of Intersectional Experiences of Discrimination for Asian American Women*, 9 ASIAN AM. J. PSYCH. 32 (2018).

<sup>81</sup> BUCK GEE & DENISE PECK, THE ILLUSION OF ASIAN SUCCESS: SCANT PROGRESS FOR MINORITIES IN CRACKING THE GLASS CEILING FROM 2007-2015 5-8 (2015), <http://aapidata.com/wp-content/uploads/2017/10/TheIllusionofAsianSuccess.pdf>; Jennifer L. Berdahl & Ji-A Min, *Prescriptive Stereotypes and Workplace Consequences for East Asians in North America*, 18 CULTURAL DIVERSITY & ETHNIC MINORITY PSYCH. 141 (2012).

<sup>82</sup> ERIC CHUNG ET AL., A PORTRAIT OF ASIAN AMERICANS IN THE LAW 17 (2017), [https://static1.squarespace.com/static/59556778e58c62c7db3f84/t/596cf0638419c2e5a0dc5766/1500311662008/1%2070716\\_PortraitProject\\_SinglePages.pdf](https://static1.squarespace.com/static/59556778e58c62c7db3f84/t/596cf0638419c2e5a0dc5766/1500311662008/1%2070716_PortraitProject_SinglePages.pdf); Vauhini Vara, *The Ellen Pao Trial: What Do We Mean By Discrimination?*, NEW YORKER (Mar. 14, 2015), <https://www.newyorker.com/business/currency/the-ellen-pao-trial-what-do-we-mean-by-discrimination>; Jennifer S. Fan, *Innovating Inclusion: The Impact of Women on Private Company Boards*, 46 FLA. ST. U. L. REV. 345, 369-70 (2019); Lena Ghamrawi, *The Law Has Perpetuated*

Muslim women reported similar challenges, particularly by those women who wear hijabs. Fatima Al Qubaisi, Legal Advisor of Dubai Tourism, explained that when she started her career, white colleagues often told her that they had clear ideas of how she would likely think, act, and speak, and they were surprised when she did not match their expectations.<sup>83</sup> “In one of my previous jobs, the company did not really know what to do with me or how to deal with me,” Al Qubaisi explained. “They had meetings and lunches outside of the office, and they always wondered whether to invite me or not.”<sup>84</sup> Al Qubaisi explained that it was very important for women of color to assert themselves first and foremost as individuals. Pandering to the group-based stereotypes of their colleagues could only hinder their own possibilities of career advancement as well as the career advancement of others who shared their background. “What you do would create a rule of treatment not just for yourself, but for those who are from the same nationality or gender,” Al Qubaisi explained.<sup>85</sup>

Ultimately, stereotypes such as the “angry black woman,” the “submissive Asian woman,” or the “conservative or sheltered Muslim woman” proliferate where representation of women of color remains only at a token level. In organizations where there are just one or two women of color, the opportunity for counterexamples diminishes. In such situations, women of color become the archetypal examples of their particular demographic group in the eyes of white, male colleagues. They are forced to take on a quasi-representative status and are denied the freedom to demonstrate the breadth of individual diversity. In a recent study of women’s experiences with stereotyping in the workplace, researchers found that fifty-six percent of black women, forty-six percent of Asians, and thirty-seven percent of Latinas believed that racial or ethnic stereotypes existed at their organization.<sup>86</sup> Studies of workplace discrimination have confirmed these perceptions, finding that non-whites report far higher levels of racially-motivated workplace discrimination than whites.<sup>87</sup> The force of these negative stereotypes can become too much to bear for women of color, who may ultimately choose to leave the organization rather than remain in a work environment that does not value them as individuals.

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*Gender Inequality in the Technology Field*, 21 INTELL. PROP. & TECH. L.J. 109, 121–22 (2017).

<sup>83</sup> See DE SILVA DE ALWIS ET AL., *supra* note 15, at 57.

<sup>84</sup> *Id.* at 58.

<sup>85</sup> *Id.*

<sup>86</sup> CATALYST, ADVANCING AFRICAN-AMERICAN WOMEN IN THE WORKPLACE: WHAT MANAGERS NEED TO KNOW 12 (2004), <https://www.catalyst.org/research/advancing-african-american-women-in-the-workplace-what-managers-need-to-know/>.

<sup>87</sup> Elizabeth A. Deitch et al., *Subtle Yet Significant: The Existence and Impact of Everyday Racial Discrimination in the Workplace*, 56 HUM. REL. 1299, 1305–08 (2003).

*Fitting In*

Many of the women interviewed also articulated feeling that in order to integrate themselves seamlessly into office life, they could not bring their “whole selves” to work.<sup>88</sup> Insofar as the law, finance, and technology worlds remain dominated by a predominantly white, patriarchal culture, women, particularly women of color, can feel out of place or downright heterodox in the context of their offices. For example, Megha Parekh, General Counsel of the Jacksonville Jaguars, explained that prior to her work in the National Football League, male superiors often doubted her and her interest in sports. When she told male coworkers that her “first love was baseball,” they quizzed her on baseball trivia to assess the credibility of her claim. Unlike her male colleagues, who were expected to profess an interest in sports, Parekh found that she had to justify her interests. “I had to have a substantive reason for why I liked sports,” she explained. “I like sports because it was a way for me to spend time with my older brother. It was a way to make connections with our American neighbors in a way that my parents could not bridge that gap (sic).” For Parekh, learning to “not let other people’s expectations dictate [her] behavior” became a means of subtly resisting the idea that women of color could not be involved in professional sports. She advised that “the best thing to do is maintain composure, and educate that person on why their stereotypes are mistaken.”<sup>89</sup>

Kamakshi Sivaramakrishnan, Founder of Drawbridge, an AI-based marketing technology, which was sold to Microsoft, explained that all too often she is reminded of her difference when in the board room or courting clients.<sup>90</sup> “Nine out of ten times in any given situation, I am the only woman in the room,” Sivaramakrishnan explained. This experience of being “the only” in a room can compound the pressure already on female executives to maintain excellence. Countless studies have demonstrated that people/society tend to attribute the accomplishments of women of color in the workplace to luck, affirmative action hiring, or other external

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<sup>88</sup> See MIKE ROBBINS, BRING YOUR WHOLE SELF TO WORK: HOW VULNERABILITY UNLOCKS, CREATIVITY, CONNECTION, AND PERFORMANCE (2018) for a description of the “bring your whole self to work” movement, namely the idea that people should not try to hide who they are in the workplace and among their colleagues, but rather show up authentically.

<sup>89</sup> See DE SILVA DE ALWIS ET AL., *supra* note 15, at 62. The irony here is that women face these challenges even when they make a good faith effort to fit into the dominant culture.

<sup>90</sup> *Id.* at 28.

factors rather than to the woman’s own competence.<sup>91</sup> Thus, women of color are afforded very little room for error in their work.

Sivaramakrishnan explained that it took a lot of work to get comfortable with the frequent experience of being on her own in a room of mostly white men,<sup>92</sup> but once she did, she took pride in standing out. “Once I did, I think I found solace and confidence in what I had to offer as a unique person versus seeking that affirmation from the room around me,” Sivaramakrishnan explained. “If I do well, everything is pronounced. If I do well, it outshines. And if I make a mistake, it also outshines. So, I always stand out and have a sense of responsibility in the world to be at top-form every time I am out in the public.”<sup>93</sup>

As a woman in engineering, Sivaramakrishnan felt that she had long been resisting what she perceived as myriad cultural pressures compelling women to “focus on their appearance” and “get married” rather than on inventing new technologies or advancing their careers. “I just want to share my philosophy that it is sexy to be a nerd,” Sivaramakrishnan explained. “Some of the biggest nerds are the wealthiest people on the earth who have created the most impact. The pressure that one needs to fit into certain types needs to be broken up.”<sup>94</sup> In saying this, Sivaramakrishnan touches on the material realities of being a person who simply looks different in a space widely conceptualized as belonging to white men. Other

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<sup>91</sup> Jeffrey H. Greenhaus & Saroj Parasuraman, *Job Performance Attributions and Career Advancement Prospects: An Examination of Gender and Race Effects*, 55 *ORG. BEHAV. & HUM. DECISION PROCESSES* 273, 290–92 (1993).

<sup>92</sup> Feeling like “the only” is an extremely common experience for women in the technology field. See TRAE VASSALLO ET AL., *ELEPHANT IN THE VALLEY* (2015), <https://www.elephantinthevalley.com> (surveying 200 senior level women in Silicon Valley, finding 88% had experienced clients/colleagues address questions to male peers that should have been addressed to them; 87% had experienced demeaning comments from male colleagues; 66% had been excluded from important events because of their gender and 47% have been asked to do lower-level tasks that male colleagues were not asked to do).

<sup>93</sup> See DE SILVA DE ALWIS ET AL., *supra* note 15, at 28. Sivaramakrishnan’s statement echoes the lived experiences of other women, especially in the highly masculinized and competitive world of technology. See, e.g., *Complaint for Damages*, Chia Hong v. Facebook, Inc., No. CIV532943, 2015 WL 1262142 (Cal.Super. March 12, 2015); Claire C. Miller, *Curtain is Rising on a Tech Premiere With (as Usual) A Mostly Male Cast*, N.Y. TIMES (Oct. 4, 2013), <https://www.nytimes.com/2013/10/05/technology/as-tech-start-ups-surge-ahead-women-seem-to-be-left-behind.html> (arguing, “Even as women make significant headway in fields from law to business, and technology zooms along as one of the fastest-growing sectors of the economy, its doors remain virtually closed to women”); Vikas Bajaj, *A Striking Absence of Women*, N.Y. TIMES (Oct. 12, 2013), <https://www.nytimes.com/2013/10/13/opinion/sunday/a-striking-absence-of-women.html> (explaining that nearly half of all publicly traded information technology businesses have no women on their boards, compared with 36 percent of the 2,770 largest public companies in the country).

<sup>94</sup> DE SILVA DE ALWIS ET AL., *supra* note 15, at 30.

interviewees touched on this dynamic as well, including Professor Regina Austin who explained that the mere presentation of a non-white, non-male self can elicit uncomfortable cultural ripples in a predominantly white, male office space, placing minorities in a precarious position. “Culture is dialectically interacting with the material conditions that people experience, and culture is bombarded by other cultures,” Austin explained. “You have a mix of the material world and the cultural world operating on different levels and bombarding one another.”<sup>95</sup> A fear of not fitting in — of creating too noticeable a clash between culture and material conditions — might compel women in the workplace to change their appearance to be perceived as more professional.<sup>96</sup> Black women might choose not to wear their hair in locks in order to avoid the scrutiny of white employers.<sup>97</sup> Other women might choose to wear heels or a skirt so as to meet the aesthetic expectations of their male colleagues.<sup>98</sup> Women’s appearances in the workplace thus becomes a site of conflict in which a patriarchal, white-washed definition of professional culture clashes with the woman’s individual tastes, gender expression, or cultural heritage.<sup>99</sup> Fitting in becomes

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<sup>95</sup> *Id.* at 183.

<sup>96</sup> See, e.g., Maura Cheeks, *How Black Women Describe Navigating Race and Gender in the Workplace*, HARV. BUS. REV. (Mar. 26, 2018), <https://hbr.org/2018/03/how-black-women-describe-navigating-race-and-gender-in-the-workplace>; J. Camille Hall et al., *Black Women Talk About Workplace Stress and How They Cope*, 43 J. BLACK STUD. 207, 210–20 (2012); Diane Hughes & Mark A. Dodge, *African American Women in the Workplace: Relationships Between Job Conditions, Racial Bias at Work, and Perceived Job Quality* 25 AM. J. CMTY. PSYCH. 581 (1997).

<sup>97</sup> Alexia Fernandez Campbell, *A Black Woman Lost a Job Offer Because She Wouldn’t Cut Her Dreadlocks. Now She wants to go to the Supreme Court*, VOX (Apr. 18, 2018), <https://www.vox.com/2018/4/18/17242788/chastity-jones-dreadlock-job-discrimination> (explaining that “deeply entrenched workplace stereotypes pressure [black women] to adopt white standards of beauty and professionalism”); Petition for Writ of Certiorari, *EEOC v. Catastrophe Management Solutions*, 852 F.3d 1018 (11th Cir. 2018) (No. 17M109) (“Black women who wish to succeed in the workplace feel compelled to undertake costly, time-consuming, and harsh measures to conform their natural hair to a stereotyped look of professionalism that mimics the appearance of White women’s hair”).

<sup>98</sup> Dana Wilkie, *When Do Dress Codes That Perpetuate Gender Stereotypes Cross the Line?* SHRM, (Mar. 18, 2019), <https://www.shrm.org/resourcesandtools/hr-topics/employee-relations/pages/gender-discrimination-in-dress-codes.aspx> (explaining, “[a] court might find it discriminatory if a dress code required women to spend considerably more money on work clothes and grooming...Or, a court might rule that requiring women to have intricately styled hair and nails would create a financial burden that the men don’t have.”); Devon W. Carbado & Mitu Gulati, *The Fifth Black Woman*, 11 J. CONTEMP. LEGAL ISSUES 701 (2001).

<sup>99</sup> Elizabeth M. Adamitis, *Appearance Matters: A Proposal to Prohibit Appearance Discrimination in Employment*, 75 WASH. L. REV. 195, 197–99 (2000); Katherine T. Bartlett, *Only Girls Wear Barrettes: Dress and Appearance*

a reckoning of sorts, wherein a woman must compromise her own identity in favor of that of a whiter and more male-sanctioned presentation of self.

### *Mentoring*

For many of the women of color interviewed, finding informal mentors who had similar lived experiences became a crucial means of securing career advancement and job satisfaction. Mentorship allowed many of the women interviewed to envision themselves at the upper echelons of their workplace and it provided them guidance as they navigated complicated social or professional dynamics in their office. Ineffective matching systems in formal mentorship programs often land women with mentors with whom they have little in common, or can make the mentorship program feel like a “pro forma administrative obligation.”<sup>100</sup> Many of the women interviewed evaded the flaws of these programs by preferring to informally seek out individuals who they viewed as strong potential supporters. Rhonda Powell, General Counsel of BuzzFeed, explained that while she was an associate at the firm LaBoeuf & Lamb, she met a senior partner who was one of the first Black partners at a major New York law firm and found immense inspiration in his success. “He gave me a vision of what was possible in my career,” Powell explained.<sup>101</sup>

Radhika Coomaraswamy, former Under-Secretary-General of the United Nations, echoed Powell’s sentiments. While working at the UN over the course of several years, she found a dearth of women of color in her field who she could look up to. Instead, she turned to men. “Male mentors are crucial — especially in my generation, if you did not have a male mentor, you didn’t have any,” Coomaraswamy explained. “There were only men at the time, there weren’t any women working in the same field.”<sup>102</sup> For this generation of women, whose careers took shape during the 1980s and 1990s, senior male partners provided crucial support in career advancement in part because there were so few women in positions of leadership, but also because younger male associates often were not sufficiently established in their careers that they would risk advocating for female colleagues.

Where interviewees had no one they could look up to in their organization, often because they served as the first woman of color to hold a position, they drew inspiration from women of color who had successfully become leaders in their respective industries. For example, Natalie Jabangwe, CEO of EcoCash and one of the youngest CEOs on the African continent, looked to the example of a powerful American female CEO as

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*Standards, Community Norms, and Workplace Equality*, 92 MICH. L. REV. 2541 (1994); Karl E. Klare, *Power/Dressing: Regulation of Employee Appearance*, 26 NEW ENG. L. REV. 1395 (1992).

<sup>100</sup> RHODE, *supra* note 9, at 33.

<sup>101</sup> DE SILVA DE ALWIS ET AL., *supra* note 15, at 211.

<sup>102</sup> *Id.* at 222.

an inspiration.<sup>103</sup> “I’ve had a few examples in my life of people who have been able to rise above any form of prejudice,” Jabangwe explained. “I have watched people like Ursula Burns who grew up in the Bronx and was raised by a single mother ... Ursula then joined Xerox for a period of almost 20 years in senior management and ultimately became the first black CEO and Chairman of the company.”<sup>104</sup> Jabangwe’s experience speaks to the importance of mentees choosing inspirational figures in informal manners that circumvent the often-flawed mentorship programs formally instituted in office spaces.<sup>105</sup>

Mentorship also offers women of color at the top rungs of an organization a chance to pass on their knowledge to the next generation. As Judge Yvonne Esperanza Campos of the Superior Court of San Diego County explained, “I have been mentored by men and women of many ages, races, religions and backgrounds[, and] I have consciously made it a point to mentor women and Latinx students and lawyers since we share a lot in common and since they may not find as many other mentors.”<sup>106</sup> Such efforts can help undercut women’s chronic lack of access to the support, mentoring, and sponsorship that their male colleagues enjoy. The persistence of an “old boy’s network,” combined with the relatively small number of women who have reached the top of their organizations, has created a shortage of opportunities for women to form close relationships with superiors who share their gender identity.<sup>107</sup> Racial and ethnic differences compound this problem by leaving women of color feeling isolated

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<sup>103</sup> Ecocash is a mobile payment app in Zimbabwe. It controls nearly 100% of the mobile money market in the country. Leonard Sengere, *EcoCash has Processed Over \$23 Billion since Launch and That’s Not the Only Impressive Figure*, TECHZIM (Nov. 10, 2017), <https://www.techzim.co.zw/2017/11/ecocash-processed-21-billion-since-launch/>; EcoCash, <https://www.ecocash.co.zw/about> (last visited Nov. 11, 2020).

<sup>104</sup> DE SILVA DE ALWIS ET AL., *supra* note 15, at 25.

<sup>105</sup> Many formal mentorship programs flounder because they put pressure on overworked, overwhelmed employees to build connections. In that sense, they can make mentorship seem like a burden. Mel Jones, *Why Can’t Companies Get Mentorship Programs Right?*, THE ATLANTIC (June 2, 2017), <https://www.theatlantic.com/business/archive/2017/06/corporate-mentorship-programs/528927/>; W. Brad Johnson et al., *Why Your Mentorship Program Isn’t Working*, HARV. BUS. REV. (July 17, 2020), <https://hbr.org/2020/07/why-your-mentorship-program-isnt-working>; Lonnie D. Inzer & C. B. Crawford, *A Review of Formal and Informal Mentoring: Processes, Problems, and Design*, 4 J. LEADERSHIP EDUC. 31 (2005).

<sup>106</sup> DE SILVA DE ALWIS ET AL., *supra* note 15, at 239.

<sup>107</sup> Marie Lalanne & Paul Seabright, *The Old Boy Network: Gender Differences in the Impact of Social Networks on Remuneration in Top Executive Jobs*, INSTITUT D’ÉCONOMIE INDUSTRIELLE (Oct. 17, 2011), [http://idei.fr/sites/default/files/medias/doc/wp/2011/gend\\_diff\\_top\\_executives.pdf](http://idei.fr/sites/default/files/medias/doc/wp/2011/gend_diff_top_executives.pdf); Ilene H. Lang, *Co-Opt the Old Boys’ Club: Make it Work for Women*, HARV. BUS. REV. (Nov. 2011), <https://hbr.org/2011/11/co-opt-the-old-boys-club-make-it-work-for-women>.

and excluded. As Deborah Rhode analyzes, “[i]n cross-racial mentoring relationships, candid dialogue may be particularly difficult. Minority proteges may be reluctant to raise issues of bias for fear of seeming over-sensitive.”<sup>108</sup> Combatting this in-group favoritism with mentoring efforts like those of Judge Campos can be one of the only means of assuring more opportunities for the next generation.

### *Implicit Bias*

Implicit (or unconscious) bias is best conceptualized as the process through which past experiences influence judgment in a manner which is not known by the actor.<sup>109</sup> In other words, a person might truly and deeply believe that she is not prejudiced in any way, and yet, when making snap judgments she might find herself biased against those who are unlike her. Implicit bias can be particularly troubling in a workplace context because it can negatively impact work evaluations and professional relationships, potentially impeding diverse employees’ career trajectories. Recent studies have found that implicit bias among managers can lead to the hiring of a more homogenous workforce, the promotion of individuals with similar demographic characteristics of management, and ultimately, worse worker performance.<sup>110</sup> Implicit bias is also incredibly difficult to correct. People are more likely to change behaviors that they are aware exist; if they are operating without any sense of the biases informing their judgments, it can be difficult to remedy their habits and practices.<sup>111</sup>

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<sup>108</sup> DEBORAH L. RHODE, *LAWYERS AS LEADERS* 141 (1st ed. 2013).

<sup>109</sup> Anthony G. Greenwald & Mahzarin R. Banaji, *Implicit Social Cognition: Attitudes, Self-Esteem, and Stereotypes*, 102 *PSYCH. REV.* 4 (1995).

<sup>110</sup> Marianne Bertrand & Esther Duflo, *Field Experiments on Discrimination*, MIT (Jan. 7, 2016), <https://economics.mit.edu/files/11449>; Kevin Lang & Jee-Yeon K. Lehmann, *Racial Discrimination in the Labor Market: Theory and Empirics*, 50 *J. ECON. LIT.* 959, 973–75 (2012); Marianne Bertrand & Sendhil Mullainathan, *Are Emily and Greg More Employable Than Lakisha and Jamal? A Field Experiment on Labor Market Discrimination*, 94 *AM. ECON. REV.* 991, 1000–01 (2004); Dylan Glover et al., *Discrimination as a Self-Fulfilling Prophecy: Evidence from French Grocery Stores*, 132 *Q. J. ECON.* 1219 (2016), <https://scholar.harvard.edu/files/pallais/files/discrimination.pdf>.

<sup>111</sup> Daniel A. Yudkin & Jay Van Bavel, *The Roots of Implicit Bias*, *N.Y. TIMES* (Dec. 9, 2016), [https://www.nytimes.com/2016/12/09/opinion/sunday/the-roots-of-implicit-bias.html?\\_r=0](https://www.nytimes.com/2016/12/09/opinion/sunday/the-roots-of-implicit-bias.html?_r=0); see also Elayne E. Greenberg, *Fitting the Forum to the Pernicious Fuss: A Dispute System Design to Address Implicit Bias and ‘Isms in the Workplace*, 17 *CARDOZO J. CONFLICT RESOL.* 75 (2015); Grace Brainard, *Disrupting Implicit Racial Biases in the Workplace: Rethinking Affirmative Action in the Wake of Ricci v. Destefano*, 2 *GEO. J. L. & MOD. CRITICAL RACE PERSP.* 53, 58 (2010) (explaining that “[a]ccepting the inefficacy of intention-centered antidiscrimination policy, researchers are instead exploring strategies aimed at correcting racial biases by disrupting those implicit associations that link People of Color with positions of inferiority”).

Many of the women interviewed described events and interactions in their workplaces which they believed to be motivated by implicit bias. “People choose to work with people who look and sound like them,” a partner at Wachtell, Lipton, Rosen & Katz explained.<sup>112</sup> A partner at Winston & Strawn expounded on this idea: “I think one of the things that can be done is when firms are setting up sponsorship or mentoring programs — avoid pairing people together because they share a similar background. Pair people up valuing diversity.”<sup>113</sup>

Kamakshi Sivaramakrishnan explained that implicit bias often impacted her board room interactions, causing strangers to doubt her control over the company that she founded. “I will be in meetings where it will take some time for the people in the room to get comfortable with me and to understand and internalize the fact that I am indeed the leader and face of the company,” Sivaramakrishnan explained. “My COO, CRO or CFO are all men — so there is a certain way in which the dynamic is perceived by people outside that in many ways affects women psychologically and encourages them to opt themselves out of the process.”<sup>114</sup> Undeterred by the biases of her business partners, Sivaramakrishnan explained that she made a point of calling out such behaviors to ensure that she was addressed as an equal. A partner at Norton Rose Fulbright made similar observations, explaining that bias and bigotry can be overcome by encouraging people of diverse backgrounds to have more one-on-one interactions.<sup>115</sup> She explained that while she was on the management committee at Norton Rose, the managing partner of the firm asked her why she was not smiling after a presentation. She asked him, “[w]hy do you expect me to smile? I know you didn’t mean anything by it, but it’s actually a sexist presumption.”<sup>116</sup> Our interviewee felt that this led to a productive conversation about unconscious bias.<sup>117</sup>

Maggie Blackhawk, Professor of Constitutional Law at the University of Pennsylvania Carey Law School, articulated similar experiences to Sivaramakrishnan’s, but in the field of academia. “There are places where women are expected to be, and then there are places where women are just not expected to be,” Blackhawk explained. “It’s not as though folks are mean, and it’s not as though they are explicitly thinking that women ought not do these things. But they just presume that women haven’t. And so, the burden of proof is often on women scholars to prove that they’re not only able to do these things, but that they did them *themselves*.”<sup>118</sup>

Outside of the fairly common experience of having one’s credentials or capabilities doubted because of one’s race or gender, the women we

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<sup>112</sup> See DE SILVA DE ALWIS ET AL., *supra* note 15, at 230.

<sup>113</sup> *Id.* at 244.

<sup>114</sup> *Id.* at 31.

<sup>115</sup> *Id.* at 20.

<sup>116</sup> *Id.* at 21.

<sup>117</sup> *Id.*

<sup>118</sup> *Id.* at 233.

interviewed brought other forms of implicit bias to the fore. Melli Darsa, who founded Melli Darsa & Co., one of the most high-profile law firms in Indonesia, explained that being a woman in a leadership position has often meant that her character and kindness have been doubted by those who perceive her professional success as a sign of coldness, intensity, or ruthlessness.<sup>119</sup> “The bias is that it seems that the more successful you are, the person cannot be possibly a very nice person,” Darsa explained. Local Indonesian culture encourages the idea that “if you are female ... your main function is to be a mother and to be a wife,” so if a woman achieves success professionally, “but does not also achieve success in the family, they are usually either not liked or still not considered successful.”<sup>120</sup> Implicit bias can haunt the interactions of powerful women who might be made to feel that their personal life is being judged rather than their professional success.

Britney Wilson, a lawyer for the National Center for Law and Economic Justice, explained that as a Black, disabled woman, she has experienced implicit bias emerging from a widespread lack of understanding of the ways in which ableism infiltrates the workplace. “Personally, I’ve taught a lot of people about ableism, who would not have otherwise thought about what it would be like to be disabled, because they did not have to think about it before they became friends with me,” Wilson explained.<sup>121</sup> “In that way, individual interactions can be useful for disrupting biases ...”<sup>122</sup> Even the most well-intentioned people simply might not realize the ways in which their actions and decisions in the workplace negatively impact the experiences of their colleagues, particularly those from different backgrounds or with different lived experiences. “I know that women and people of all different marginalized groups are often overlooked, and I know that speaking up and being heard is not an option for some people,” Wilson explained.<sup>123</sup> “It is because I represent these groups that I know the importance of being heard.”<sup>124</sup>

### *Conquering Barriers*

These interviews offer insights into some of the most significant challenges faced by women leaders across the legal, business, technology, public service, and higher education worlds. Ultimately, the experiences shared by the women make it clear that gender and race are only two of many different axes that shape each woman’s various leadership experiences. By presenting the accounts of these diverse women, we can see the richness of different gender perspectives across geography, race, ethnicity,

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<sup>119</sup> *Id.* at 41.

<sup>120</sup> *Id.* at 42.

<sup>121</sup> *Id.* at 121.

<sup>122</sup> *Id.*

<sup>123</sup> *Id.* at 122.

<sup>124</sup> *Id.*

religious, cultural, and political diversity. In addition to these similarities, however, we must recognize that the experiences of women of color in American workplaces include unique barriers, boundaries, and biases. From stereotyping, to mentorship opportunities and the challenges of implicit bias, women of color leaders have to overcome additional hurdles that many of their peers do not. Understanding their experiences is crucial to creating more just and egalitarian workplaces.

#### CONCLUSION

The former Secretary of State Madeleine Albright has said on various occasions: “It took me quite a long time to develop a voice, and now that I have it, I am not going to be silent [...]”<sup>125</sup> In line with this premise of overcoming the historic silencing of women in professional spaces, we intentionally conducted our analysis in a manner to elevate individual narratives and voices, particularly those belonging to women of color. Women have long been at the forefront of the movement calling for a normalization and internalization of diversity within the highest rungs of the business world.

In focusing on the voices of those we interviewed, we offered analyses and recommendations directly premised on their own words, drawing upon their first-hand lived experiences. These experiences yielded several poignant observations: (1) when asked to convey their leadership journeys and describe their ascension to positions of power within their respective corporate industries, the two most frequent thematic elements cited by all women regardless of race, age, or professional industry were those that related to Barriers Faced or Transcending Barriers; and (2) amongst the women interviewed, those self-identifying as women of color, or women with intersectional identities, experienced major delineations in experience along three dominant lines: age, race, and professional field, culminating in both facing and overcoming specific barriers linked directly to their intersectional identities and race. Elevating voices is a start in acknowledging the role that intersectional identity plays in shaping experiences. Mere acknowledgment of another’s existence and lived experience, however, falls short of implementing sustained change.

To truly dismantle dilemmas of difference within the workplace and implement permanent change requires systemic change through institutional accountability and individual responsibility-taking. It is imperative that we go beyond elevating voices and proceed to *elevating persons* — we are calling upon executives in power to share power by elevating persons historically underrepresented into positions of power. This is a call to action to place more women, and more women of color, into equitable positions of decision-making power within our highest leadership ranks

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<sup>125</sup> Marianne Schnall, *Madeleine Albright: An Exclusive Interview*, THE HUFFINGTON POST (June 15, 2010), [https://www.huffpost.com/entry/madeleine-albright-an-exc\\_b\\_604418](https://www.huffpost.com/entry/madeleine-albright-an-exc_b_604418).

and global power structures. This is much more than diversity training programs or rhetorical commitments — it is about both a justice imperative and a business imperative. It has taken these women a long time of overcoming a multitude of identity-specific, structural, and culturally-constructed barriers to claim a seat at the table. At the time of finalizing this paper, we bear witness to our nation’s first woman, and woman of color, Vice-President-Elect soon to be in one of the highest seats of power. How then can women assume their rightful place at the heads of these tables?<sup>126</sup>

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<sup>126</sup> Emma Hinchliffe, *The Number of Female CEOs in the Fortune 500 Hits an All-Time Record*, FORTUNE (May 18, 2020) <https://fortune.com/2020/05/18/women-ceos-%20fortune-500-2020/> (In 2020, women constituted a little over 7% of the Chief Executive Officer seats in Fortune 500 companies. While this is considered a record high, only three of these women identify as women of color. Not one of them is a Black woman. These statistics demonstrate the critical nature of our work and how institutions of higher learning, including law schools and business schools, can strive to dismantle these discrepancies through the serious study of women and leadership and through changes in their course curricula.).