

## BOOK REVIEW

# A Review of "Gender, Power, Law & Leadership"

Hannah Brenner & Renee Knake, St Paul, MN: West Academic Publishing (2020)

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*"The first step to getting power is to become visible to others."*

- Former Supreme Court Justice Sandra Day O'Connor (pg. x)

Does diversity in leadership matter? The Supreme Court of the United States seems to think so. In *Fisher v. University of Texas at Austin*, 136 S.Ct. 2198 (2016), Justice Kennedy, writing for the majority, acknowledged that universities create leaders, and stated, "A university is in large part defined by those intangible 'qualities which are incapable of objective measurement but which make for greatness'... those intangible characteristics, like student body diversity...are central to its identity and educational mission." (pg. 9)

This excerpt from *Fisher* is but one of many legal cases, scholarly articles, targeted discussion questions, biographies, photographs and narrative stories about trail-blazing female leaders that comprise Hannah Brenner and Renee Knake's powerful book *Gender, Power, Law & Leadership*. Intended as a textbook for students and faculty across undergraduate, advanced degree and law school programs, nothing can be more on-point to the U.S. Air Force Academy, a military service academy that serves as a beacon of character and leadership development for the nation.

As colleagues and friends, Brenner, currently the Vice Dean for Academic and Student Affairs and Associate Professor of Law at California Western School of Law, San Diego and Knake, a Professor of Law and the Joanne and Larry Doherty Chair in Legal Ethics, University of Houston Law Center, have been battling gender inequality in the legal profession, together, for more than a decade. After years of curating relevant content for seminars, conferences and their own classrooms, they decided to co-author this text. Their goal: to fill the "stark void" of offerings that address the "glaring omission of women from positions of power or leadership." (pg. x) This is not a leadership "how-to" book, but more of a leadership "why" book, identifying the structural, societal, and psychosocial barriers that exist in the leadership arena for women, while also highlighting stories about barrier breaking female leaders to ultimately inspire change.

Given their legal backgrounds, not surprisingly, the authors emphasize the gender power gap in the legal profession as they survey multiple other professions including politics, corporate, and academe. The primary

question they explore is why women attend law school in equal or greater numbers than their male colleagues, and yet hold the least amount of top tier positions in the nation's law firms. The answer is rooted in historical leadership models, gender and intersectional stereotypes, roles and expectations, as well as structural barriers that perpetuate the status quo.

The authors explore all of these issues by taking the reader through a journey back in time, from the Suffrage Movement in the 1800s to the present day #MeToo Movement, concluding with thought-leadership articles outlining potential solutions for future reform.

The first two chapters provide a history lesson and an introduction to diversity scholarship, delving into everything from the stereotypical leader to the women-led responses to these ingrained traditions: the 1848 Declaration of Sentiments, the 19th Amendment, the Equal Rights Amendment, and the first woman's international lawyer's organization, the Equity Club.

Chapter 3 digs a little deeper into gender inequality, discrimination, and bias, expanding into intersectionality, the cross-section of gender and other identity-based factors such as class, ethnicity, geography, race, religion, sexual orientation, and socio-economic status. These chapters delve into the double-whammy (my words, not theirs) confronted by women of color in leadership roles, particularly in the judiciary. The legal profession is considered the "gatekeeper of equality," yet white males retain power and control. Brenner & Knake examine how having women of color on the bench matters to society, not just for symbolic representational justice, but because their presence improves decision-making by providing an "other" perspective. Studies included in the text show that female jurists influence outcomes for those harmed, in particular in employment and race discrimination cases at all levels - trial, appellate and even at the Supreme Court. Yet subtle biases still remain.

Chapter 4 reviews post-feminism era concerns including the "second-shift" (working all day and performing family care duties at night and on weekends), the "glass cliff" (women more frequently hired on as CEOs in failing companies), "short-listing" (being in the top tier but non-selected), and "gender side-lining" (where a woman's achievements are marginalized in comparison to a lesser accomplishment of a man).

The next four chapters provide concrete examples of these concepts in action by exploring how they are played out across many sectors: legal, political, corporate, athletics, higher education, medicine, and science. They discuss how even the Supreme Court, the highest court in the land, is not immune from toxic gender dynamics. An eye-opening study published in the 2017 *Virginia Law Review*:

"...clearly established that women on the Supreme Court are interrupted at a markedly higher rate during oral arguments than men. Additionally, both male Justices and male advocates interrupt women more frequently than they interrupt men." (pgs. 253-254)

While seniority and ideology also contributed to the frequency of interruptions, the variables were compounded in such a way that junior female liberal justices were far more likely to be interrupted by senior male conservative justices than not. This matters for society, not only as an exemplar of behavior, but because oral arguments influence thoughts. Not being able to get a word in edge-wise, even at the pinnacle of one's profession, necessarily impacts case outcomes. The book illustrates, how micro-aggressions (a statement, action, or incident regarded as an instance of indirect, subtle, or unintentional discrimination against members of a marginalized group), double-standards and societal or self-imposed roadblocks negatively impact women in politics, corporations and other fields with hard-hitting facts, studies, and vignettes.

Is there a solution to open up what the authors refer to as the “pipeline to power” to women? If there is, the authors do not provide one. Rather, in the final chapter, they provide fodder for reflection. As a female attorney, and now the Acting Director of the Academy’s Center for Character and Leadership Development (CCLD), the idea that law schools should create “both a course on leadership and integrate leadership issues throughout the curricula” resonated with me on many levels (pg. 384). Lawyers play a pivotal role in societal change as do the future military leaders we train and educate here at the USAFA. “Leaders need the capacity to learn from their experience – both their own and others.” (p. 383). This is exactly our goal in the CCLD and what this book offers.

While a slow read at times, given the heaviness of the material, the authors’ approach was spot on – a reverse boiling frog analogy, if you will. They lit the fuse, built up the pressure, and started the slow boil, so much so that I want to jump into this pot - not out of it - even at the expense of getting burned. This book fired me up, inspiring me to elevate the conversation about women and leadership. My lens will necessarily be different from a male cadet, officer, CEO, or judge who might read this book, as I’ve walked in the shoes that Brenner and Knake describe across 433 pages. Exploring this book is a worthy endeavor - one I highly recommend for our future leaders of character and anyone else who simply wants to be better as a leader and person.

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