

# Committing to Critically Interrogating Our Conversations About Women We Think We Don't Much Like

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Alice Woolley & Elysa Darling, *Nasty Women and the Rule of Law*, **U.S.F. L. Rev.** (forthcoming), available at [SSRN](#).

If you have been called aggressive, incompetent, immoral, nasty, unlikeable, unattractive, unfeminine, or unpleasant, or if you've heard someone call a woman lawyer one of these adjectives, or if you think they accurately describe a woman lawyer you know, then read *Nasty Women and the Rule of Law*.

The claim of the paper is modest: women who enter the legal profession risk being labelled "nasty women." And by that, the authors mean that women risk attack arising from "the intersection between the normative structure of the lawyer's role and sexist stereotypes." (P. 3.)

The paper has a sensible flow that makes reading it a pleasure. Part II looks to the challenges faced by women in law. It reminds us of the host of exhilarating statistics (for over two decades, close to fifty percent of law students are women) and their more depressing shadow (women remain a small minority (fifteen percent) of equity partners). And, among other concrete examples of the sexist stereotypes endured by women lawyers, it refreshes our memories (not that they need much refreshing) about the "sexism playbook" thrown at Hillary Clinton, including the common invocation of her function as "bitch." The quantitative and qualitative data shore up the authors' two claims in this part – that women lawyers are subject to sexism and misogyny and that there is something unique to the intersection of being a woman lawyer and exposure to sexism.

Part III discusses the role that popularity plays. This part connects the general unpopularity of lawyers with the expression of that unpopularity when the subject of scrutiny is a woman lawyer. Woolley and Darling observe that women lawyers "experience both more and different criticism – the criticisms directed at them are more frequent as well as being personal, hostile and gendered." (P. 17.) Trying to explain why women's experience is different takes the article to Parts IV and V.

What does being a lawyer require and what does that mean for women? Woolley and Darling accept the story that lawyers act as zealous advocates for clients' interests within the bounds of legality. The authors elaborate on that view, described by them as a modified positivist theory of the lawyer's role, in Part IV.

Finally, Part V looks squarely at the gendered criticism directed at women lawyers. Here Woolley and Darling get to the heart of their inquiry: "Why...does that unpopularity and uncomfortable social position look different for women? Why do women struggle to achieve equality in the profession, and why do they risk personal gendered commentary and criticism that male lawyers do not?" (P. 23.) They conclude that the combination of prescriptive gender stereotypes (whether about what women are or about what they should be) conflict with the requirements of being a lawyer. Lawyers need to be competent, authoritative, and rational, acting only in the interests of clients and not others. These requirements are perceived to run counter to the obligations and requirements of being a woman, or at least behaving like a woman should. In this part, the authors also ask whether changing the concept of the role of lawyers might help, and, despairing, conclude that it's unlikely to improve much.

As a minor note, although the paper does not treat this theme out as core to its claims, the authors make fascinating links between the roles of women-lawyers in the political realm. They connect the dots between the work politicians do to create social settlement of political disputes and the implementation of these settlements in legislation.

To the conclusion – in my view, the article’s most important contribution is not the economy of its style, the clarity of its argument, nor the authors’ willingness to identify and concede counterarguments, although all of those are strengths. Nor is it the way that the article took what was my back-of-the-mind impression (about gendered attacks on women as lawyers) and turned that impression into a well-reasoned review and analysis of available evidence. Although that was satisfying. The major contribution of the article for me was that it finds a way to gently, but clearly and firmly, demand that the reader reconsider their own way of talking about and criticizing women lawyers and to support women who work “to accomplish the law’s respect for dignity” without asking them to risk “having their own [dignity] undermined.” (P. 32.)

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