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"YOU SHOULD SMILE MORE," ACADEMIC CATCALLING, AND
WOMEN-ON-WOMEN CRIMES

DEBORAH L. BORMAN*

IN "Stop Telling Women to Smile," Brooklyn artist Tatyana Fazlalizadeh displays public murals of women's faces on the sides of buildings to combat the objectification of women by men who "catcall" women on the street. The murals are accompanied by captions intended to "speak" directly to offenders.¹



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1. Author's photo of parking garage at Wabash and 9th Street, Chicago, Illinois, 2015.

(1065)

The artist posits, “It is rare for strangers to ask men to smile, and some women feel the comment is an insidious attempt to control their emotions or the way they look.”²

Catcalling is not limited to men attempting to control the emotions of women, however. The familiar insidiousness exists intragender within the legal academy; women “catcall” other women in a similar attempt to control the emotions of colleagues. In the animal world, this phenomenon is known as conspecific or intraspecies aggression when directed toward members of the same animal species in fighting over food, territory, and mates.³ Conspecific or intraspecies aggression is the behavioral component of the dedicated biobehavioral system that evolved over time to adapt in the context of responding to resource challenges.⁴ In female human behavior, this aggression is played out as relational or “intrasexual competition.”⁵ In the academy, relational competition between women arises both covertly and overtly in the form of unwarranted professional criticism or competition, a failure to empathize, a failure to mentor, an effort to destroy or otherwise undermine another woman’s career, and by many other underhanded methods. I refer to the set of phenomena described above as “women-on-women crime.”

For example, women deploy professional criticism as crimes against one another on a regular basis, both covertly and overtly. One overt crime I experienced occurred after I presented a draft paper on a complicated substantive topic at an international conference. At the start of my talk, I issued a disclaimer: I was not an expert in the field; I was presenting a novel but untested idea, and I sought feedback from the attendees, the experts on the subject, to refine my idea for my paper.

In the question and answer session after my talk, I received positive and constructive feedback from professors and legal professionals from all over the world. But at lunch when I asked a female law professor from the U.S. for her feedback, what she offered to me was this: “You should smile more. I tell my female students to practice smiling in the mirror by holding up the corners of their mouth. And then to practice holding their arms up in victory!”⁶

2. David Matthews, *Stop Telling Women to Smile, New Downtown Mural Says*, DNA INFO (Sept. 10, 2015, 4:19 PM), <https://www.dnainfo.com/chicago/20150910/loop/stop-telling-women-smile-new-wabash-mural-says/> [<https://perma.cc/HMP9-CANA>]; Todd Zwillich, *Artist Tatyana Fazlalizadeh Wants You to Stop Telling Women to Smile*, NPR (Feb. 19, 2020, 3:53 PM), <https://www.npr.org/2020/02/19/807407891/artist-tatyana-fazlalizadeh-wants-you-to-stop-telling-women-to-smile> [<https://perma.cc/BL44-97RW>].

3. See Caroline Blanchard & Robert Blanchard, *What Can Animal Aggression Research Tell Us About Human Aggression?*, 44 HORMONES & BEHAV. 175, 171–77 (2003).

4. *Id.* at 175.

5. See Tracy Vaillancourt, *Do Human Females Use Indirect Aggression as an Intrasexual Competition Strategy?*, PHIL. TRANS. ROYAL SOC. B., Dec. 2013, at 1, 1.

6. See David Weigel & Abby Phillip, *Kim Davis Released from Jail, Ordered Not to Interfere with Same-Sex Marriage Licenses*, WASH. POST (Sept. 8, 2015, 4:48 PM),



This professor also suggested that I *pretend* I am an expert in the field and that by letting the participants know that I was *not* an expert I demonstrated a lack of confidence in the substance of my presentation.

The ostensible “helpful suggestions,” masquerading the undermining criticism, made me feel dispirited and debilitated. Being told by a female law professor that the most important thing I could do in presenting a paper was to “smile,” and that the second most important thing was to fabricate expertise, provided neither substantive feedback nor guided mentorship. And for two days after that, I felt like a failure, despite the fact that I was told that I presented one of the most substantively interesting topics in a five-day international conference.

The crimes women inflict on other women play out with worse results than a dispirited mood, i.e., competition can corrupt promotion, failure to empathize can result in substantive misunderstandings, failure to mentor can effectively destroy another woman’s career. Moreover, these crimes act to enhance and protect the historic patriarchy in legal education; challenging patriarchy and successfully bringing a feminist perspective into the classroom is stymied when behind the classroom door female colleagues engage in the crimes of sabotaging, criticism, and undermining. These crimes of gender bias by women against women fuel conflict among women, and ensure status quo of traditionally male-dominated systems.

<https://www.washingtonpost.com/news/post-nation/wp/2015/09/08/judge-orders-kentucky-clerk-kim-davis-released-from-jail/> [https://perma.cc/S5GB-XWAE]. Kim Davis demonstrated her victorious release from jail, where she was held for five days for refusing to issue marriage licenses to gay couples, by holding her arms up in a V for victory. See also Associated Press, *Molly Huddle Loses Bronze Medal by Celebrating Too Early*, N.Y. DAILY NEWS (Aug. 25, 2015, 12:04 PM), <http://www.nydailynews.com/sports/more-sports/runner-celebrates-early-loses-bronze-medal-article-1.2336667> [permalink unavailable] (illustrating when holding your arms in victory goes wrong).

“You should smile more” is one example of the “women-on-women” crimes that play out in the environment of female interaction. For female faculty, crimes take form in indirect aggression that ultimately internalizes the patriarchy. Female competitiveness and self-promotion that strives to make women look more attractive than other women undermine all women.

In this Article, I aim to identify the crimes described above, providing a basis for the crimes in biological theory, so as to recognize the sociobiological motivations and provide a framework toward resolution.⁷ In Part I, I discuss and define the biological and cultural environment that fuels conflict among women. I identify the various methods by which women commit intrasexual or conspecific aggression against same-sex peers, “cat-call” other women to exert emotional control, and otherwise undermine the professional advancement of colleagues. In Part II, I provide and illustrate the social theories that explain the complex underlying behavior by women towards women. This Part explores how “women-on-women crime” hurts all women in the academy and perpetuates the academic patriarchy. In Part III, I touch on select feminist theory in illustrating the various ways that women behave contrary to feminist ideals. In Part IV, I provide suggestions for methods to resist and cease perpetrating these emotional crimes and intra-gender biases.

I. ACADEMIC CATCALLING: THE BIOLOGICAL AND CULTURAL ENVIRONMENT

A. *Covert and Overt Competition is Hard-Wired*

The crimes women perpetuate on other women in academia are rooted in human biology and begin in childhood. By nature, women are hard-wired to provide for their own and their children’s needs and must minimize the risk of incurring physical harm.⁸ One of the ways that women increase both the probability of survival as well as reproductive success is through social, external alliances with individuals who will assist women in attaining these goals.⁹

At the biological base, women compete for health (reproductivity), physical resources (men, housing, food), alliances (women who are similarly situated and therefore not a perceived threat), and community status (marriage over single status).¹⁰ From early childhood forward, girls deploy competitive strategies that minimize the risk of retaliation and reduce the strength of other girls.¹¹ Biological aggression or competition in wo-

7. Over the years in developing this Article, I sought to provide vignettes of actual female faculty experiences to illustrate the crimes. While I collected oral anecdotes informally, the majority of contributors hesitated to reduce their stories to writing, fearing compromised anonymity.

8. See Vaillancourt, *supra* note 5, at 1–2.

9. See Joyce Benenson, *The Development of Human Female Competition: Allies and Adversaries*, PHIL. TRANS. ROYAL SOC. B., Dec. 2013, at 1, 1.

10. See Vaillancourt, *supra* note 5, at 1–2.

11. See *id.* at 2.

men deems unrelated same-sex, single status peers as primary competitors.¹² The aggression is realized in competitive strategies covertly and overtly.

Covertly, women will avoid interference competition to protect themselves from physical harm.¹³ Women and girls tend to use less direct physical and verbal aggression than boys,¹⁴ only resorting to physically violent behavior when her resources or children are threatened.¹⁵

Disguising competition is one such avoidance technique.¹⁶ Women use verbal and nonverbal movements and tactics that are disguised to appear noncompetitive on the surface, such as quiet anger, smiles (yes, smiles), politeness, i.e., "I'm sorry," "Thank you," and statements that include "tags" or underlying meaning such as, "that's mine, right?"¹⁷

One example of disguised competition is the "double voice discourse,"¹⁸ used as early as preschool by girls to disguise conflict over resources. In a vignette study of communication patterns of preschool girls, a social scientist researcher describes one 3-year old's attempt to gain a pickle for lunch:

Sue: And strawberries for dinner, right?

Mary: And the—this for dinner (*Mary puts the pickle in a pot on the stove*).

Sue: And the pickle. Do you like pickle? (*Sue takes the pickle out of the pot*).

Mary: And this (*the hamburger*) is for dinner. (*Mary pulls the hamburger and pickle out of Sue's hand and puts them back in the pot*).

Sue: No, they aren't for dinner, no, Lisa wants pickles. (*Sue tried to grab the hamburger and pickle back from Mary but she [Mary] holds on and puts them back in the pot*).¹⁹

Adult women disguise competition through attempts to control the romantic relationships of other women. Across cultures, adolescent girls manipulate other girls' alliances with same-sex and other-sex peers, at-

12. *See id.*

13. *See* Benenson, *supra* note 9, at 1.

14. *Id.* at 4.

15. Resources include children, kin, mates. *See id.* at 2 (citing Victoria Burbank, *Female Aggression in Cross-Cultural Perspective*, 21 *BEHAV. SCI. RES.* 70, 70–100 (1987); Barbara Smuts, *The Evolutionary Origins of Patriarchy*, 6 *HUM. NAT.* 1 (1995); Anne Campbell, *Female Competition: Causes, Constraints, Content, and Contexts*, 41 *J. SEX RES.* 16 (2003)).

16. *See id.* at 3.

17. *Id.*

18. *Id.* (internal quotation marks omitted).

19. *Id.* (citing Amy Sheldon, *Pickle Fights: Gendered Talk in Preschool Disputes*, 13 *DISCOURSE PROCESSES* 5, 5–31 (1990)).

tempting to end romantic partnerships by maligning another girl, often through the denigration of the other girl's sexual reputation.²⁰

In the academy, female professors disguise competition by manipulating against choice committee assignments, "You don't want to be on Curriculum or Appointments when you are pre-tenured, it's too much work," and by steering women toward busy work and time-consuming assignments, like collecting assessment data or running a conference or symposium.

Women also compete covertly by enforcing equality among peers, evaluating one another in terms of "niceness" to conceal their goals.²¹ High-status adolescent girls elicit more respect from other girls than lower status girls vis-à-vis connection to the male community.²² Lower status girls will form alliances with high-status girls for access to valuable males, and in so doing, abandoning other friendships and bonds.²³

Nevertheless, across cultures, within the high-status peer group, niceness and equality prevail: "high-status girls who interfere with another girl's goals invite derision and social exclusion."²⁴ Even where girls justify mean-girl behavior by arguing that another girl is acting superior, equality prevails as the community norm.²⁵

Additionally, overt competitive behavior in women plays out in the form of bullying. High-status women and girls bully lower status women and girls to maintain high status in the community.²⁶ Women place a higher value on the attributes of appearance, energy level (physical activities, sports), and physical resources (socioeconomic status),²⁷ and will engage in outright physical aggression or overt psychological manipulation to control access to high-status boys.²⁸ When competition between wo-

20. See Benenson, *supra* note 9, at 6 (citing John Archer, *Sex Differences in Aggression in Real-World Settings: A Meta-Analytic Review*, 8 REV. GEN. PSYCHOL. 291, 291–322 (2004); Rhiannon Smith, et al., *Relational and Overt Aggression in Childhood and Adolescence: Clarifying Mean-Level Gender Differences and Associations with Peer Acceptance*, 19 SOC. DEV. 243, 243–369 (2010); Leanna M. Closson, *Status and Gender Differences in Early Adolescents' Descriptions of Popularity*, 18 SOC. DEV. 412, 412–26 (2010); Kaj Björkqvist, *Sex Differences in Physical, Verbal, and Indirect Aggression: A Review of Recent Research*, 30 SEX ROLES 177, 177–88 (1994)).

21. *See id.* at 3.

22. *Id.* at 6.

23. *Id.*

24. *Id.* (citing Don Merten, *The Meaning of Meanness: Popularity, Competition, and Conflict Among Junior High School Girls*, 70 SOC. EDUC. 175, 175–91 (1997); Donna Eder, *The Cycle of Popularity: Interpersonal Relations Among Female Adolescents*, 58 SOC. EDUC. 154, 154–65 (1985)). The author discusses studies in the U.S., Netherlands, and Canada.

25. *See id.* (citing ANNE CAMPBELL, *THE GIRLS IN THE GANG* (Blackwell Pubs. Inc. 1992)) (noting even the leader in a girl gang must behave as an equal).

26. *See id.* at 5.

27. *See id.* at 6 (reviewing studies of Canadian, American, Dutch, and British adolescents).

28. *Id.* Canadian and American adolescents used overt and disguised forms of aggression more often. *Id.*

men escalates, it typically involves the use of indirect aggression such as reputational attack, stigmatization, and exclusion.²⁹

Social exclusion and intimidation are other overt behaviors women use to compete with other women.³⁰ Women gang up on other women, either to intimidate them or to exclude them, or both.

Women in western societies may behave differently as perceived threats or competition depending on where they live. Ecological factors such as high population density and close proximity to competitors escalate levels of competition from covert to overt physical confrontation.³¹

Ethnographic studies in American, English, Canadian, and Australian schools revealed "the common use of both overt and disguised social exclusion by high-status adolescent girls as they attempt to ostracize one another, lower status girls and newcomers."³² An American study revealed that when young adolescents are systematically introduced to a same-gendered newcomer, girls rated the newcomer less positively, took longer to speak to her, and refused to incorporate the newcomer's ideas.³³ In inner city gangs, women friends may use "coalitionary aggression" against newcomers leading to group level attacks on women perceived as "stealing their men."³⁴

In the academy, attributes of appearance and the resulting bullying are indicated in many instances where the more attractive, the more highly skilled, creative, and experienced woman is bullied by less objectively attractive women who already have or seek power.

B. *Methods of Competition*

1. *Indirect or Relational Aggression*

In the academy, female professors compete for scarce resources such as promotions, assignments, and faculty development access using the covert social intelligence methods of indirect aggression or peer victimization.³⁵ Indirect or relational aggression, defined as any behavior intended to harm another by damaging or manipulating relationships,³⁶ includes behaviors such as criticizing a competitor's appearance, spreading rumors, the "silent treatment," exclusionary practices used by adolescent girls such

29. See Anne Campbell & Paula Stockley, *Female Competition and Aggression: Interdisciplinary Perspectives*, PHIL. TRANS. ROYAL SOC. B., Oct. 2013, at 1, 4.

30. See *id.*

31. See *id.*

32. Benenson, *supra* note 9, at 6.

33. *Id.* (citing Norma Feshbach & Gittelle Sones, *Sex Differences in Adolescent Reactions Toward Newcomers*, 4 DEV. PSYCHOL. 381, 381–86 (1971)).

34. See Campbell & Stockley, *supra* note 29, at 4 (internal quotation marks omitted).

35. See Laura Crothers et al., *Cliques, Rumors, and Gossip by the Water Cooler: Female Bullying in the Workplace*, 12 PSYCHOLOGIST-MANAGER J. 97, 102 (2009).

36. See Jennifer K. Grotzinger & Nicki R. Crick, *Relational Aggression, Gender, and Social-Psychological Adjustment*, 66 CHILD DEV. 710, 710–22 (1995).

as deliberately ignoring someone or informing her that she is not welcome,³⁷ or use of derisive body and facial gestures to make another feel self-conscious.³⁸ These indirectly aggressive behaviors are circuitously designed to get others to dislike a woman and exclude female peers from a group, with the ultimate goal to reduce the “mate value of a competitor,” or “sexy rival.”³⁹

Women tend to use indirect aggression over direct aggression (verbal and physical aggression) because indirect aggression maximizes the harm inflicted on the victim while minimizing the personal danger involved.⁴⁰ Compared to direct or physical aggression, social exclusion is a “low cost strategy” that enforces egalitarian behavior, deferring “free-riders” and sustaining cooperation.⁴¹

Peer victimization among professional women is consistent with female bio-behavioral response to stress that is not a fight-or-flight response, but rather befriend, a pattern of “nurturant” activities designed to protect the self and offspring, to promote safety and reduce stress.⁴² In other words, the derogation of rivals keeps women safe from professional harm.⁴³

In the workplace, relational aggression includes female power struggles and may encompass a wide range of emotionally destructive behaviors.⁴⁴ The media capitalize on the idea that women have difficulty working with women and are obsessed with pitting female celebrities and politicians against one another.⁴⁵ During a season of *Celebrity Apprentice*, a reality show in which celebrity contestants competed to win money for

37. See Hongling Xie et al., *Aggressive Behaviors in Social Interaction and Developmental Adaptation: A Narrative Analysis of Interpersonal Conflicts During Early Adolescence*, 11 SOC. DEV. 205, 205–24 (2002).

38. Vaillancourt, *supra* note 5, at 1.

39. See *id.* at 4. A study found that women were less willing to become friends with a member of the same sex if the person was described as sexually promiscuous, arguing that “promiscuous women threaten other women’s efforts to attract and retain a desirable long-term mate by triggering men’s desire for sexual variety and casual sex.” *Id.* This phenomenon is known as “mate poaching,” although the authors note that “it is unclear from the research literature if mate poaching by ‘sexy rivals’ is actually a legitimate concern.” *Id.*

40. See Björkqvist, *supra* note 20, at 177–88.

41. Campbell & Stockley, *supra* note 29, at 7.

42. See *id.* at 5.

43. See *id.*

44. Crothers et al., *supra* note 35, at 102.

45. In 2018, while many cases of #metoo were unfolding, the media latched onto the complaint of Katie Way (age 22) who derided Ashleigh Banfield (age 50) of her opinion on Aziz Ansari: “[N]obody under the age of 45 has heard of [her,]” and has “burgundy-lipstick, bad highlights, [is a] second-wave feminist has-been . . . [and] she disgusts me.” Maxwell Tani, *Read the Email the Writer Behind the Sexual Misconduct Story Wrote Slamming an HLN Anchor Who Criticized Her*, BUS. INSIDER (Jan. 17, 2018, 3:38 PM), <https://www.businessinsider.com/aziz-ansari-writer-email-to-hln-ashleigh-banfield-2018-1> [<https://perma.cc/LG8M-2422>].

charity, Star Jones announced her goal to show that American women could work together, "and Donald Trump nodded knowingly."⁴⁶

Professional women report being derogated by rivals in the following ways:

- Female associates at law firms engaging in relationships with male partners in order to gain advantage in promotion;
- Female supervisors using hazing behaviors against women in inferior positions;
- Female supervisor dressing down employee in public setting;⁴⁷ and
- Female executive undermining promotion of coworker.⁴⁸

The academic workplace is rife with similar indirect or relational aggressive behavior. Female faculty and administration routinely discriminate against same-sex candidates in hiring interviews,⁴⁹ particularly against

46. Leah Sheppard & Karl Aquino, *Much Ado About Nothing? Observers' Problematicization of Women's Same-Sex Conflict at Work*, 27 *ACAD. MGMT. PERSP.*, 52, 52 (2013).

47. See Mickey Meece, *Backlash: Women Bullying Women at Work*, N.Y. TIMES (May 9, 2009), <https://www.nytimes.com/2009/05/10/business/10women.html?auth=login-email> [<https://perma.cc/9UNM-5WUQ>]. "Jean Kondek, who recently retired after a 30-year career in advertising, recalled her anger when an administrator in a small agency called a meeting to dress her down in front of co-workers for not following agency procedure in a client emergency." *Id.*

48. *Id.* ("A senior executive said she had 'finally broken the glass ceiling' only to have another woman gun for her job by telling management, 'I can't work for her, she's passive-aggressive.'").

49. See L.S. Fidell, *Empirical Verification of Sex Discrimination in Hiring Practices in Psychology*, 25 *AM. PSYCHOLOGIST* 1094, 1094–98 (1970).

One of two forms . . . was sent to the chairmen of each of the 228 colleges and universities in the United States offering graduate degrees in psychology. Each form contained ten paragraphs describing the professional behavior of hypothetical psychologists. . . . The respondent was asked to rate the desirability of the candidate . . . and to indicate what level the candidate should be offered a position
Id. at 1094. The forms differed only in that feminine first names and pronouns were attached to four paragraphs on Form A and a different four paragraphs on Form B. Sixty-eight percent of the forms were returned. Women were offered lower levels of appointment than men for seven of eight paragraphs and were rated less desirable for six of eight paragraphs. *Id.*; see also Lauren Rivera, *When Two Bodies Are (Not) a Problem: Gender and Relationship Status Discrimination in Academic Hiring*, 82 *AM. SOC. REV.* 1111, 1111–38 (2017).

Junior faculty search committees serve as gatekeepers to the professoriate and play vital roles in shaping the demographic composition of academic departments and disciplines. Faculty committees actively considered women's—but not men's—relationship status when selecting hires. Drawing from gendered scripts of career and family that present men's careers as taking precedence over women's, committee members assumed that heterosexual women whose partners held academic or high-status jobs were not "movable," and excluded such women from offers when there were viable male or single female alternatives. Conversely, committees infrequently discussed male applicants' relationship status and saw all female partners as movable.

attractive same-sex candidates (the sexy rival), while men welcome the same women candidates.⁵⁰ If the sexy rival succeeds in being hired, the women-on-women crimes continue against the competitor as illustrated by the following incomplete list:

- Salary inequities;⁵¹
- Lack of transparency in pay equity;⁵²
- Gender disparity in promotion and leadership, chaired and endowed positions;
- Disparity in teaching loads (too high or too low);
- Disparity in benefits (i.e., office or lab space and location, allocation of research assistance, faculty development funds);
- Inequitable distribution of service (difficult or time-consuming committee assignments); and
- Use of teaching evaluations to discriminate in raises and promotions.⁵³

These indirectly aggressive behaviors by woman toward other women in academia raise a roadblock to promotion and upper ranks of leadership decreasing professional progress. Although there is an increase of tenured or tenure-track women in general across academia⁵⁴ and an increas-

Rivera, *supra*, at 1111.

50. Vaillancourt, *supra* note 5, at 2 (citing Maria Agthe et al., *Does Being Attractive Always Help? Positive and Negative Effects of Attractiveness on Social Decision Making*, 37 PERSONALITY & SOC. PSYCHOL. BULL., 1042, 1042–54 (2011)).

51. The Equal Employment Opportunity Commission's (EEOC) office in Denver found a gender pay gap among the University of Denver Sturm College of Law school's legal faculty dating back to at least 1973.

The commission concluded that the university knew about the gap by 2012, "but took no action to ameliorate this disparity, in effect intentionally condoning and formalizing a history of wage disparity based on sex." The EEOC's investigation came after longtime DU law school professor Lucy Marsh filed a complaint with the commission in 2013.

John Ingold, *EEOC Accuses DU Law School of Discriminating Against Women Professors*, DENVER POST, http://www.denverpost.com/news/ci_28735459/eeoc-accuses-du-law-school-discriminating-against-women [permalink unavailable] (last updated June 17, 2016, 12:30 PM). Since the settlement of that lawsuit, Denver University law is making headlines again, after a female senior associate discovered through the new salary transparency that her salary was lower than male associate professors with less seniority. See Elizabeth Hernandez, *DU Law School's "Fix" for its Gender-Pay Gap Revealed a Female Professor Makes \$30,000 Less Than Her Peers*, DENVER POST (June 5, 2019), <https://www.denverpost.com/2019/06/05/du-sturm-college-of-law-pay-gap/> [permalink unavailable].

52. This is prevalent in private institutions where salaries are non-public.

53. See Benjamin Schmidt, *Gender Bias Exists in Professor Evaluations*, N.Y. TIMES (Dec. 16, 2015, 3:20 AM), <http://www.nytimes.com/roomfordebate/2015/12/16/is-it-fair-to-rate-professors-online/gender-bias-exists-in-professor-evaluations> [https://perma.cc/9WJ4FE2W].

54. Tawannah G. Allen & Chena' T. Flood, *The Experiences of Women in Higher Education: Who Knew There Wasn't a Sisterhood?*, 4 LEADERSHIP & RES. EDUC. 10, 11 (2018).

ing number of female law school deans,⁵⁵ female professors continue to face career stops or blunt ends due to the “mean-girl” crimes of other women.

2. *Queen Bees: Crimes of Social Identity Threat*

Women-on-women crime in academia is quite often committed or engineered by “Queen Bees.” The Queen Bee syndrome, first identified by researchers in the 1970s,⁵⁶ refers to “senior women in masculine organizational cultures who have fulfilled their career aspirations by dissociating themselves from their gender while simultaneously contributing to the gender stereotyping of other women.”⁵⁷ Queen Bees implicitly legitimize the disadvantaged position of women within their organization and perpetuate the masculine organizational culture in which they become successful.⁵⁸

Studies of Queen Bees in the workplace reveal that women in power tend to be particularly critical of the career commitment, assertiveness, and leadership skills of their female colleagues.⁵⁹ Queen Bees commit horizontal violence⁶⁰ via attitudes and behaviors that humiliate and denigrate the dignity of female peers.⁶¹ For example, a 2006 Spanish study found that when presented with applications for promotion, women were more likely than men to assess female candidates as less qualified as male candidates.⁶² In a 2004 study of higher education, female professors rated female PhD students as less committed to their career than male PhD students, while at the same time the female professors defined themselves in masculine terms, thereby disengaging from their gender group.⁶³ Recent

55. Karen Sloan, *Meet the Record-Setting Number of Incoming Women Law Deans*, LAW.COM (Apr. 3, 2019, 2:30 PM), <https://advance.lexis.com/api/permalink/15070cad-319e-402f-a40e-ace86dd12840/?context=1000516> [permalink unavailable].

56. The Queen Bee Syndrome was first defined by G.L. Staines and C. Tavris in 1973. See Audrey Nelson, *Are Women Queen Bees?*, PSYCHOL. TODAY (Oct. 1, 2016), <https://www.psychologytoday.com/us/blog/he-speaks-she-speaks/201610/are-women-queen-bees> [https://perma.cc/UB6N-B5S8].

57. Belle Derks et al., *Do Sexist Organizational Cultures Create the Queen Bee?*, 50 BRITISH J. SOC. PSYCHOL. 519, 519 (2011).

58. *Id.* at 520.

59. *Id.*

60. Horizontal violence is “a term [used] to indicate the curious behavior of members of oppressed groups who lash out at their peers in response to oppression instead of attacking their oppressors.” Carole Funk, *Female Leaders in Educational Administration: Sabotage Within Our Own Ranks*, ADVANCING WOMEN LEADERSHIP J. 3 (2004), www.awnettech.advancingwomen.com/awl/winter2004/Funk.html [https://perma.cc/6YSD-E73K].

61. See *id.*

62. Rocio Garcia-Retamero & Ester Lopez-Zafra, *Causal Attributions About Feminine and Leadership Roles: A Cross-Cultural Comparison*, 40 J. CROSS-CULTURAL PSYCHOL. 492, 492 (2009).

63. Derks et al., *supra* note 57, at 520 (citing a 2004 study by Naomi Ellemers and her colleagues).

findings from the 2014 Workplace Bully Institute Survey revealed that female perpetrators target female counterparts at a rate of 68%.⁶⁴

Queen Bee behavior is a response to social identity threat or the part of self-image that is derived from the groups to which the individual belongs.⁶⁵ Women working in organizations in which their gender is devalued, such as the traditional hierarchy of academia, experience affiliation with the devalued group as a threat to social identity, and seek distance from other women to improve personal or career outcomes (individual mobility) at the expense of their same-gender peers.⁶⁶

As a result of Queen Bee behavior, women in academia experience difficulties in building and maintaining positive relationships with female colleagues.⁶⁷ In a 2018 study of professors in higher education across North Carolina schools, researchers found that women engaged in the following relational aggression against other women:

- Took over other women's meetings or projects, or excluded other female faculty from projects;
- Harassed and personally attacked female faculty;
- Undermined or challenged the authority of female faculty;
- Engaged in backstabbing or provided erroneous information to stop the progress of another female faculty member;
- Yelled, used aggressive body language, talked down to peers; and
- Engaged in bullying or non-responsive behavior.⁶⁸

3. *Motivated Stereotyping Crimes*

Women in academia also engage in motivated stereotyping, another form of intrasexual aggression. Motivated stereotyping is the theory that “people motivated to draw a particular conclusion will attempt to justify this conclusion by selectively retrieving and using the information that supports it by will draw their desired conclusion only if they can justify it.”⁶⁹

For example, when criticized, both men and women attempt to salvage their self-esteem and reputation by invalidating the criticism.⁷⁰ One method of recovering from personal criticism is to challenge the competence of the person who delivered the criticism, in other words, if the person who delivered the criticism is made out as incompetent, the criticism

64. Gary Namie & Ruth Namie, *Risk Factors for Becoming a Target of Workplace Bullying and Mobbing*, WORKPLACE BULLYING INST., Apr. 2018, at 1, 4.

65. Derks et al., *supra* note 57 at 521.

66. *Id.*

67. Allen & Flood, *supra* note 54, at 14.

68. *Id.* at 18.

69. Lisa Sinclair & Ziva Kunda, *Motivated Stereotyping of Women: She's Fine if She Praised Me but Incompetent if She Criticized Me*, 26 PERSONALITY & SOC. PSYCHOL. BULL. 1329, 1329–42 (2000).

70. *Id.*

need not be internalized.⁷¹ However, even though both genders may utilize the same method of salvaging self-esteem, participants in a field study of student evaluations of university instructors in Canada viewed women as less competent than men after receiving negative evaluations from women, but not after receiving positive evaluations.⁷²

A negative stereotype may provide a much-needed justification for discrediting a harsh evaluator and so may be accessed and used for this purpose.⁷³ In the academic workplace, women who are evaluated by other women are motivated to criticize other women to salvage their self-views by disparaging their evaluator.⁷⁴ Women rely more heavily on stereotypes when their self-enhancement needs are greatest: within their own faculty "ingroup." In one study, participants who were outperformed by others felt less bad when the "other" belonged to an "outgroup" than when they belonged to the "ingroup," because they relied on the "superior others' outgroup status to dismiss their relevance."⁷⁵

4. *Machiavellianism and Schadenfreude*

Women in the academic workplace behave as Machiavellians and experience schadenfreude regarding the successes and failures of other women. Machiavellianism and schadenfreude are interrelated in that both refer to the pleasure experienced in relation to another person's misfortune.⁷⁶ The concept of Machiavellianism refers to behavior directing misfortune at another, while schadenfreude refers to the satisfaction experienced at a distance from the failure of another.⁷⁷ Factors taken into account as influential in taking pleasure in someone's misfortune encompass envy as gauge of social comparison, resentment deservingness, and competition.⁷⁸ Machiavellianism and schadenfreude together make up one third of the "dark triad" of intrasexual competitiveness that also includes narcissism and psychopathy.⁷⁹

Although women's friendships are generally characterized as positive, intimate, sharing, and close, women in the academy engage in subtle and not-so-subtle aggressive and hostile activities such as gathering information about other women, name-calling, gossiping, derogating reputation, ostra-

71. *Id.*

72. *Id.*

73. *Id.*

74. *Id.*

75. *Id.* at 1330.

76. See Loren Abell & Gayle Brewer, *Machiavellianism and Schadenfreude in Women's Friendships*, 121 PSYCHOL. REP. 909, 909–10 (2018).

77. *Id.* at 910–11.

78. *Id.* at 909.

79. Gregory Carter et al., *Women's Sexual Competition and the Dark Triad*, PERSONALITY & INDIVIDUAL DIFFERENCES, Oct. 2014, at 275, 275–79.

cism, and ridicule.⁸⁰ Women are more critical of each other than men are either of other men or than men are of each other in the workplace.⁸¹

In a 2018 study, British researchers demonstrated that women experienced feelings of pleasure when a same-sex friend experienced misfortune in the workplace.⁸² The researchers measured Machiavellianism and schadenfreude in women responding to three vignettes⁸³ likely to occur in female friendships, as follows:

Scenario 1: Your friend is always gloating about her abilities. You find out they recently got a bad grade/performance review.⁸⁴

Scenario 2: Your friend constantly talks about how happy she is with her romantic partner and how perfect he/she is. Their partner then ends the relationship.⁸⁵

Scenario 3: Your friend always talks about how good she looks and how other people compliment her on her appearance. She then gets what turns out to be a very bad haircut. Other people notice and talk about this.⁸⁶

The researchers found envy predicted experiencing schadenfreude in relation to academic/work ability and romantic relationships, while competition predicted experiencing schadenfreude in all three scenarios.⁸⁷ The responses to a coworker's misfortune were consistent with both schadenfreude and Machiavellianism, highlighting emotion manipulation and relational aggression.⁸⁸ Women higher on the scale of Machiavellianism experienced pleasure at the friend's misfortune in the domains of romantic relationships and physical attractiveness, reflecting a greater competition for partners or the willingness to compete with same-sex friends for partners.⁸⁹

III. SOCIAL THEORIES: IMPRISONING WOMEN FROM ADVANCEMENT

When men are held up as cultural ideals, female rivalry crimes in academia ensure that women are held back from academic career ad-

80. Abell & Brewer, *supra* note 76, at 910.

81. *See generally* PHYLLIS CHESLER, WOMAN'S INHUMANITY TO WOMAN (Lawrence Hill Books ed., 2009).

82. Abell & Brewer, *supra* note 76, at 914.

83. *Id.* at 911–13.

84. *Id.* at 912.

85. *Id.*

86. *Id.*

87. *Id.* at 913–14.

88. *Id.* at 914.

89. *Id.*

vancement.⁹⁰ Traditional stereotypes cast men as self-oriented and women as other-oriented.⁹¹ Stereotypes of men more closely align with core cultural values than do stereotypes of women.⁹² This Section briefly identifies the six primary social theories that underly the conclusion that women faculty regularly “assign” the most valued traits to the dominant group,⁹³ thereby impeding advancement of other women.

A. *Expectations States Theory*

Under the Expectation States Theory, widely shared cultural beliefs associate status characteristics and expectations (personal traits and abilities that are highly socially valued) with higher status groups.⁹⁴ Because both advantaged and disadvantaged groups assign socially valued traits more to higher status group members than to lower status group members, men are assigned a higher status in the academy.⁹⁵

B. *Social Dominance and System Justification Theory*

Social Dominance and System Justification Theory describes how people justify existing systems of social stratification by endorsing legitimating myths and stereotypes that attribute the most culturally valued traits to dominant social groups.⁹⁶ When female faculty endorse traditional male-created and dominated hierarchies, it becomes impossible for all but the masculine woman to forge ahead in her career.

C. *Social Identity Theory*

Social Identity Theory emphasizes preference for one’s “ingroup.” Because high status groups—who have greater social influence—claim the most socially valued traits as their own, lower status groups rely on “social creativity” to redefine less-valued traits as favorably distinguishing them. If male faculty make up the dominant “ingroup,” or if women faculty take on the traditional characteristics of the male-dominated “ingroup,” women in the “outgroup” remain lower in status and cannot advance.

D. *Ambivalent Sexism Theory*

Ambivalent Sexism Theory posits that both hostility toward women who challenge men’s power and patronizing benevolence toward women

90. See generally Amy J.C. Cuddy et al., *Men as Cultural Ideals: Cultural Values Moderate Gender Stereotype Content*, 109 J. PERSONALITY & SOC. PSYCHOL. 622, 622–35 (2015).

91. *Id.* at 622.

92. *Id.* at 623.

93. *Id.* at 622.

94. *Id.*

95. *Id.*

96. *Id.*

who conform to traditional expectations combine to reinforce gender inequality.⁹⁷

E. *Stereotype Content Model*

The Stereotype Content Model proposes two universal dimensions of stereotype content:

1. Warmth (traits such as sincere, good-natured, and friendly);
and
2. Competence (intelligent, capable, skillful).

A group's structural cooperation versus competition (i.e., interdependence) with other groups in society determines stereotypes about its warmth, while a group's socioeconomic status determines stereotypes about competence.⁹⁸ Women are traditionally expected to exhibit warmth traits in all systems, while men are expected to exhibit competence traits. When women in the academy exhibit confidence, they take on a masculine role.

F. *Social Role Theory*

Social Role Theory is the gendered division of labor that determines both gender stereotype content and gender differences in actual behavior.⁹⁹ Women's traditional domestic and relationship roles require collectivist traits and behaviors, such as domestic and nurturing roles; men are expected to look out for their own individualistic needs and interests in, for example, the competition in the job market.¹⁰⁰

Role divisions create social pressure to conform; counterstereotypical behavior is discouraged and punished.¹⁰¹ Stereotyping behavior enforces gender stereotypes,¹⁰² and men and male hierarchical systems remain the cultural ideal.

IV. WOMEN IN ACADEMIA ARE ANTIFEMINIST

Women-on-women crimes in academia are antifeminist. Liberal feminism values an individualistic approach to equality and sees the personal interactions between men and women as the place from which to transform society,¹⁰³ but women who behave with hostility toward other women defy feminist principles. The exercise of personal autonomy depends on certain enabling conditions that are insufficiently present in women's

97. *Id.* at 623.

98. *Id.* at 624.

99. *Id.*

100. *Id.*

101. *Id.*

102. *Id.*

103. ROSEMARIE TONG, FEMINIST THOUGHT: A MORE COMPREHENSIVE INTRODUCTION 46 (Westview Press 4th ed., 2014).

lives.¹⁰⁴ In the academy, the autonomy of female faculty is not encouraged by other women. Rather, female faculty are expected to “go along to get along,” share, be cooperative, and be “nice.” Women in academia who compete with peers, exhibit Machiavellianism, experience schadenfreude, and commit these and other women-on-women crimes undermine intrasexual success, perpetuate discriminatory practices, belie feminist theory, and strengthen the historical patriarchal hierarchy. Women’s hostility toward other women prevent women from working together collectively as is necessary to succeed in all identity-based, social movements.¹⁰⁵

An overview of three studies’ findings of women’s hostility toward other women in a college setting revealed that intrarelational hostility was not related to self-identification as a feminist or support of the feminist movement.¹⁰⁶ Similarly, gossip and exclusionary behavior among female law faculty cliques divides us and ultimately internalizes the patriarchy; the self-promotion that strives to make women look more attractive than other women undermines all women from a liberal feminist perspective. Challenging patriarchy and successfully bringing a feminist perspective into the classroom is stymied when, behind the classroom door, female colleagues engage in sabotaging, academic catcalling, and other women-on-women crimes. Autonomy deficits due to a “gendered system,” or patriarchal nature of inherited traditions and institutions, cannot be rectified when women are keeping other women from succeeding.¹⁰⁷

V. STOP THE CRIMES

This Article reveals an uncomfortable view of the dark underside of women’s behavior in the legal academic workplace. Instead of supporting and encouraging each other as we strive towards long-awaited professional equality and autonomy, we are behaving in sub-primal manner against our intellectual capacities. Rather than keep each other down and suppress the success of female peers and subordinates, women who achieve positions of power of academia should work to improve career opportunities for other woman, serving as role models.

Women in academia need to stop competing with each other. There is no compelling reason to continue to attach biological drives to a modern, equalized workplace. Women law faculty should use the same critical thinking and highly developed intellectual skills honed for teaching and

104. “Liberal feminists argued for women’s rightful inclusion in the liberal category of the autonomous individual as the basic social unit, and that women likewise be accorded the individual rights connected to the category.” L. Ryan Musgrave, *Liberal Feminism, from Law to Art: The Impact of Feminist Jurisprudence on Feminist Aesthetics*, 18 *HYPATIA J. FEMINIST PHIL.*, 214, 217 (2003).

105. Gloria Cowan et al., *Women’s Hostility Toward Women*, 22 *PSYCHOL. WOMEN Q.* 267, 280 (1998).

106. *Id.* at 267.

107. *See id.* at 283.

research to welcome our gendered peers, not drive them away. Competing only divides women in the academic workplace perpetuating the long-existing and hierarchal patriarchy. In supervisory positions, women should provide substantive feedback, not rivalrous criticism. Women should mentor and support each other and our future successors: we will not be the last women to ever to have this faculty role or administrative position.

It is well past the time for us to model professional behavior in academia, rather than to display nursery school playground behavior. We are teaching generations women who are looking to female faculty as role models, monitoring how we treat each other. We should model to our students that being a powerful woman is to act with grace and fairness, not with disdain and envy.

VI. EPILOGUE

I fought a battle with ants—a rampant ant infestation in my home—for ten years. For seven years I fought with the homeowners' association to treat the problem. I rallied a dozen other residents who also experienced ant infestations to support me, and finally the association started to treat ants across the association.

But my ant problem always remained worse than everyone else's. Then one day I sold a little lamp on Craigslist. The woman who came over to buy the lamp noticed some sculptures I had in my rock garden and asked about them. I said that my dad made them, and she said was impressed. I told her I was moving to Seattle, and that if she wanted one, she could have one. She said yes. She asked her partner to lift one for her, and as he started to reach for it, he exclaimed, "oh my God it's infested with ants!" Underneath the statue was an incredible colony of millions and trillions of ants. The clay sculptures created a safe spot in the rocks for the ants to breed and expand.

For ten years.

Right under my nose; right under the statue.

Solutions to women-on-women crimes are under the closest rock.