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## Reflections on Feminism, Law & Culture: Law Students' Perspectives

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## Reflections on Feminism, Law & Culture: Law Students' Perspectives

By **Bridget J. Crawford<sup>1\*</sup>**  
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*Abstract*

*This essay is a collective reflection by thirty-nine law students on feminism, law and culture. In the Spring 2020 semester, the students who enrolled in the Feminist Legal Theory course taught by Professor Bridget Crawford at the Elisabeth Haub School of Law at Pace University were a mixed-gender group of second-year, third-year, and fourth-year students. The course focused on the themes and methods of feminist analysis and the application of feminist legal theories to topics such as intimate partner violence, prostitution, pornography, sexual harassment, reproductive rights, and economic rights. Students attended a traditional seminar meeting once each week. Conversations continued throughout the week in a student-led asynchronous written online discussion forum, with a different group of student facilitators choosing the topic and guiding the conversation each week. This essay is an edited collection of*

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University), Bernadette M. Maligranda (B.A. Salve Regina University), Bhumi J. Patel (B.A. Rutgers University), Victoria L. Piekarz (B.S. Rutgers University), Xavier Prescod (B.S. CUNY John Jay College of Criminal Justice), Daniella R. Presser (B.S. Excelsior College), Karli M. Regalbutto (B.A. Quinnipiac University), Robert Rosenberg (B.S. Boston University), Rachel Rosenblum (B.A. Quinnipiac University), Julianna M. Sedlacko (A.A.S. Dutchess Community College, B.A. CUNY John Jay College of Criminal Justice), Alexandra Spinner (B.S. Ithaca College), Drew J. Wares (B.S. Rutgers University), Alec N. Weissman (B.A. Ramapo College of New Jersey), and Sagar Suraj Yadav (B.A. Saint John’s University).

*student posts to the course's online forum. It is intended to memorialize the interests, concerns, and contributions of this particular group of law students to feminist discourse during the Spring 2020 semester—a time when legal education and most aspects of American life were disrupted in an unprecedented way by the novel coronavirus.*

*The essay is organized around ten discrete topics that reflect, but are not identical to, course material. Participants use TED Talks and other videos, podcasts, and news stories as entry points for engaging with topics of mutual interest. These include the nature of gender differences, the impact of gender differences on the workplace and family life, menstruation, motherhood, and feminist coalition-building. The essay both reflects students' understanding of feminist legal theory as a distinct mode of academic inquiry and challenges feminist scholars to consider what "counts" as feminist topics from the perspective of current law students. It is a contemporaneous record of the substantive issues that these law students found important in the present moment.*

## I. INTRODUCTION

(Bridget J. Crawford)

Feminist Legal Theory is not on the bar exam. Yet thirty-nine students at the Elisabeth Haub School of Law at Pace University enrolled in a course devoted to the study of law from a feminist perspective in the Spring 2020 semester.<sup>3</sup> The course

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3. Since the school's founding in 1976, gender issues have been a core focus for many students, faculty, and staff members. See Overview, Women's Justice at Pace Law School (on file with author). Since the early 1980s, the Law School has been the home of the Women's Justice Center (formerly the Battered Women's Justice Center), a nonprofit legal center that serves the victims and survivors of domestic violence, sexual assault, and elder abuse in the surrounding communities. See *Pace Women's Justice Center*, PACE UNIV., <https://law.pace.edu/wjc> (last visited Sept. 28, 2020). The Law School's third dean, Janet A. Johnson, taught a course on "Women and the Law" for several years. That course examined a variety of practical legal issues that pertain to women. When I joined the faculty in 2003, we added the course in Feminist Legal Theory. Although the course was designed to be a small seminar, the significant student demand suggested the wisdom of accommodating more students.

has been offered at Pace University since 2004. Most students who enroll in the course have some prior interest in gender issues, but students take the course for a variety of reasons ranging from convenience to curiosity.<sup>4</sup> Of the thirty-nine students enrolled in the Spring 2020 semester, twenty-five were second-years. Fourteen students were in their final year of study, either as third-years or fourth-year, part-time students. This particular semester, as in prior semesters, the enrollment was predominantly female, but the course included five male students. The course is intentionally designed as a three-credit class, with one-third of instructional hours delivered in an asynchronous format. Students attend a two-hour seminar meeting once a week; one additional hour (or more) is spent in an asynchronous online discussion, with the topic selected and conversation led by rotating groups of three to four students.

The first six weeks of the course introduce students to the major themes, methods, and thinkers associated with feminist legal theory. Martha Chamallas has identified six “opening moves” of feminist legal theory: a focus on women’s experiences, exploration of intersectionality and complex identities, implicit bias and male norms, “double binds and dilemmas of difference,” reproducing patterns of dominance, and unpacking the substance and meaning of “choice.”<sup>5</sup> Common methods employed by feminist legal theorists include practical reasoning,<sup>6</sup> emphasis on narrative,<sup>7</sup> breaking rhetorical

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4. Other motivations may include that the course fits with the student’s schedule, the student seeks an opportunity for a discussion-based class, the student wants or needs to satisfy the school’s upper-level writing requirement, or some other factor. Feminist Legal Theory is a course that counts toward the Law School’s concentration in Women, Gender & the Law.

5. MARTHA CHAMALLAS, INTRODUCTION TO FEMINIST LEGAL THEORY 4–15 (3d ed. 2013) (“Although there is no uniform methodology or approach, feminist scholars often deploy a few recurring ‘moves’ in their analyses, moves that help to place women at the center rather than the margins of the study of law.”).

6. See Katharine T. Bartlett, *Feminist Legal Methods*, 103 HARV. L. REV. 829, 851 (1990) (“Not only the resolution of the problem, but even what counts as a problem emerges from the specifics of the situation itself, rather than from some foreordained definition or prescription.”).

7. See Kathryn Abrams, *Hearing the Call of Stories*, 79 CALIF. L. REV. 971, 971–73 (1991); see also Margaret E. Montoya, *Mascaras, Trenzas, y Greñas: Un/Masking the Self While Un/Braiding Latina Stories and Legal Discourse*, 17 HARV. WOMEN’S L.J. 185 (1994); FEMINIST JUDGMENTS:

conventions, and widening the lens of what “counts” as a proper legal subject or relevant to legal decision-making.<sup>8</sup> Students encounter foundational texts by Catharine MacKinnon,<sup>9</sup> Robin West,<sup>10</sup> Carol Gilligan,<sup>11</sup> Tina Grillo,<sup>12</sup> Angela Harris,<sup>13</sup> Kimberle Crenshaw,<sup>14</sup> and Patricia Cain,<sup>15</sup> as well as works that focus on

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REWRITTEN OPINIONS OF THE UNITED STATES SUPREME COURT 15–16 (Kathryn M. Stanchi, Linda L. Berger & Bridget J. Crawford eds., 2016) (“While feminist practical reasoning may address both the individual story of the case and the broader context in which the law is applied, narrative feminist method focuses on presenting the facts of the particular case as a story.”).

8. FEMINIST JUDGMENTS: REWRITTEN OPINIONS OF THE UNITED STATES SUPREME COURT, *supra* note 7, at 15–17 (identifying feminist practical reasoning, narrative feminist method, breaking rhetorical conventions, and “widening the lens” as feminist methods).

9. The primary assigned works were excerpts from: CATHARINE A. MACKINNON, *SEXUAL HARASSMENT OF WORKING WOMEN* (1979); CATHARINE A. MACKINNON, *FEMINISM UNMODIFIED* (1987); Catharine A. MacKinnon, *Feminism, Marxism, Method, and the State: An Agenda for Theory*, 7 *SIGNS* 515 (1982); Catharine A. MacKinnon, *Feminism, Marxism, Method, and the State: Toward Feminist Jurisprudence*, 9 *SIGNS* 635 (1983); Catharine A. MacKinnon, *From Practice to Theory, or What is a White Woman Anyway?*, 4 *YALE J.L. & FEMINISM* 13 (1991).

10. The primary assigned works were excerpts from: Robin L. West, *The Difference in Women’s Hedonic Lives: A Phenomenological Critique of Feminist Legal Theory*, 3 *WIS. WOMEN’S L.J.* 81 (1987); ROBIN WEST, *CARING FOR JUSTICE* (1997).

11. The primary assigned works were excerpts from: CAROL GILLIGAN, *IN A DIFFERENT VOICE: PSYCHOLOGICAL THEORY AND WOMEN’S DEVELOPMENT* (1982).

12. The primary assigned works were excerpts from: Trina Grillo, *Anti-Essentialism and Intersectionality: Tools to Dismantle the Master’s House*, 10 *BERKELEY WOMEN’S L.J.* 16 (1995).

13. The primary assigned works were excerpts from: Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 *STAN. L. REV.* 581 (1990).

14. The primary assigned works were excerpts from: Kimberle Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 *U. CHI. L.F.* 139 (1989).

15. The primary assigned works were as excerpts from: Patricia A. Cain, *Feminist Jurisprudence: Grounding the Theories*, 4 *BERKELEY WOMEN’S L.J.* 191 (1988).

postmodern feminism,<sup>16</sup> third-wave feminism,<sup>17</sup> and queer legal theory.<sup>18</sup> After laying the theoretical foundation, the course devotes the following seven weeks to applications of feminist legal theory to topics of traditional interest to feminist scholars, as well as newer areas of the law. Topics include intimate partner violence,<sup>19</sup> prostitution,<sup>20</sup> pornography,<sup>21</sup> sexual harassment,<sup>22</sup> reproductive rights,<sup>23</sup> and economic rights.<sup>24</sup>

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16. See, e.g., Mary Joe Frug, *A Postmodern Feminist Legal Manifesto (An Unfinished Draft)*, 105 HARV. L. REV. 1045 (1992).

17. See, e.g., Bridget J. Crawford, *Toward a Third-Wave Feminist Legal Theory: Young Women, Pornography and the Praxis of Pleasure*, 14 MICH. J. GENDER & L. 99 (2007).

18. See Darren Rosenblum, *Queer Intersectionality and the Failure of Recent Lesbian and Gay "Victories,"* 4 LAW & SEXUALITY 83 (1994).

19. Works assigned include excerpts from: Lenore E. Walker, *Psychology and Violence Against Women*, 44 AM. PSYCH. 695 (1989); EDWARD W. GONDOLF & ELLEN R. FISHER, *BATTERED WOMEN AS SURVIVORS: AN ALTERNATIVE TO TREATING LEARNED HELPLESSNESS* (1988).

20. Works assigned include excerpts from: SHEILA JEFFREYS, *THE INDUSTRIAL VAGINA: THE POLITICAL ECONOMY OF THE GLOBAL SEX TRADE* (2009); Evelina Giobbe, *An Analysis of Individual, Institutional, and Cultural Pimping*, 1 MICH. J. GENDER & L. 33 (1993); Jody Freeman, *The Feminist Debate over Prostitution Reform: Prostitutes' Rights Groups, Radical Feminists, and the (Im)possibility of Consent*, 5 BERKELEY J. GENDER, L. & JUST. 75 (1990); Michelle Madden Dempsey, *Sex Trafficking and Criminalization: In Defense of Feminist Abolitionism*, 158 U. PA. L. REV. 1729 (2010).

21. Works assigned include excerpts from sources cited *supra* note 9; Amy Adler, *All Porn All the Time*, 31 N.Y.U. REV. L. & SOC. CHANGE 695 (2007); Courtenay W. Daum, *Feminism and Pornography in the Twenty-First Century: The Internet's Impact on the Feminist Pornography Debate*, 30 WOMEN'S RTS. L. REP. 543 (2009).

22. Works assigned include excerpts from: Danielle Keats Citron, *Law's Expressive Value in Combating Cyber Gender Harassment*, 108 MICH. L. REV. 373 (2009); Elizabeth L. Shoenfelt et al., *Reasonable Person Versus Reasonable Woman: Does It Matter?*, 10 AM. U. J. GENDER SOC. POL'Y & L. 633 (2002).

23. Works assigned include excerpts from: LAURA E. GOMEZ, *MISCONCEIVING MOTHERS: LEGISLATORS, PROSECUTORS, AND THE POLITICS OF PRENATAL DRUG EXPOSURE* (1997); Michele Goodwin, *Fetal Protection Laws: Moral Panic and the New Constitutional Battlefield*, 102 CALIF. L. REV. 781 (2014); Dorothy E. Roberts, *Punishing Drug Addicts Who Have Babies: Women of Color, Equality, and the Right of Privacy*, 104 HARV. L. REV. 1419 (1991).

24. Works assigned include excerpts from: BARBARA R. BERGMANN, *SAVING OUR CHILDREN FROM POVERTY: WHAT THE UNITED STATES CAN LEARN FROM FRANCE* (1996); EVA FEDER KITTAY, *LOVE'S LABOR: ESSAYS ON WOMEN*,

Students study case law, legislation, and empirical data, as well as secondary sources, with a particular emphasis on investigating the extent to which feminism and theories of gender, when applied to the law, accurately have met the needs of people of all colors, with a focus on women and other historically disadvantaged groups.<sup>25</sup>

For the online component of the class, students are pre-organized by the instructor into small groups of weekly “facilitators.”<sup>26</sup> The first responsibility of the facilitators is to collectively choose a topic for discussion and to assign a short reading or video to prompt discussion. The facilitators have wide discretion in choosing the topic for the week; there is no obligation to choose a topic that is (or is not) on the syllabus. Students can take their inspiration from course readings or discussion, work or personal experiences, current events, or other sources. The facilitators are required to “clear” their topics with the instructor in advance, but this functions as a quality filter rather than a subject-matter limitation. In the Spring 2020 semester, no facilitators were asked to select different topics from the ones they proposed. The only other guideline is that the reading or viewing assignment should take students between fifteen and thirty minutes to complete.

Facilitators then begin the discussion for the week by asking (and answering) open-ended questions. The expectation is that throughout the week, other students will post their responses to the facilitators’ questions and the facilitators will continue the dialogue by asking pointed questions, stating an opinion and inviting feedback, providing feedback to others, and stimulating further thinking. No student is required to be online at any particular time; each discussion board remains open for one week, until it closes, and the next group of students start a

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EQUALITY, AND DEPENDENCY (Linda J. Nicholson ed., 1999); MONA HARRINGTON, CARE AND EQUALITY: INVENTING A NEW FAMILY POLITICS (1999); *Table 4: Poverty Status of Families by Type of Family, Presence of Related Children, Race, and Hispanic Origin: 1959 to 2019*, U.S. CENSUS BUREAU, <https://www.census.gov/data/tables/time-series/demo/income-poverty/historical-poverty-people.html> (last visited Oct. 21, 2020).

25. Bridget J. Crawford, Syllabus, Feminist Legal Theory Spring 2020, Elisabeth Haub School of Law (on file with the author).

26. *Id.* The small groups were organized primarily alphabetically, with additions and substitutions made as necessary during the drop/add period.

new thread on a different topic. Each student is responsible for being an online facilitator during one pre-assigned week of the semester. Apart from that, all students are expected to read all forum contributions each week and to make written contributions themselves. The baseline expectation is written contributions of at least 250 words (not necessarily in one “chunk”) to weekly discussion boards on five separate occasions during the semester. The instructor leads the online discussion the first week to model the scope and tone of expected contributions to the discussion board. Most students contribute many more than the minimum number of required posts.

The online discussion board functions as a natural extension of the classroom. Very often, students refer to course material and to comments made by a classmate during the weekly live seminar meeting or in prior discussion boards. During the Spring 2020 semester, from the very first week of the online component of the class, the tone of the discussion board was welcoming and encouraging. Students did not necessarily agree with each other, but disagreement was expressed professionally, politely, and with mutual appreciation. After the first week, the instructor participated only sparingly as a written contributor to the discussion boards, intending for the online component to be a student-driven and student-directed learning experience. The discussion board allows students who do not enjoy speaking in the larger group setting to take part in robust conversations, to offer their perspectives, and to share their personal experiences. Those students who are comfortable contributing to oral discussions have the opportunity to test new ideas and to hone their casual and formal written communication skills. The purpose of the online component of the course is to address, in some intellectual, organized, and reflective way, either course material or material related to the course.

When the Spring 2020 semester began, none of us knew that on March 11, 2020, Haub Law at Pace would transition to online education in response to the worldwide health crisis caused by the novel coronavirus.<sup>27</sup> By March 18, 2020, all 199 U.S. law

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27. See David Levine, *Here's What's New in Westchester Higher Education*, WESTCHESTER MAG. (May 27, 2020), <https://westchestermagazine.com/life-style/business/westchester-higher-education/>.

schools accredited by the American Bar Association had moved to online instruction.<sup>28</sup> This disruption was unprecedented and caused tremendous stress to students and faculty alike.<sup>29</sup> Upheaval to personal, educational, and professional plans is both tremendous and ongoing.<sup>30</sup> Even so, the thirty-nine students in the Feminist Legal Theory seminar enjoyed an almost seamless transition to wholly online learning (from the instructor's perspective at least). Perhaps because the students had developed during the first weeks of the semester a degree of comfort with each other, the instructor, and the subject matter, the discussions on Zoom continued to be rich, complex, and inclusive. Mirroring our use of small-group discussions when classes had been meeting in the traditional, in-person format, we made regular use of the "break out room" feature on Zoom for more focused discussions, reporting back to each other once we rejoined the larger session.<sup>31</sup> To be sure, many students had occasional problems with internet connectivity or increased family responsibilities.<sup>32</sup> But generally speaking, it was easier (from the professor's perspective, at least) to conduct a

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28. Paul Caron, *100% of Law Schools Have Moved Online Due to the Coronavirus*, TAXPROF BLOG (Mar. 18, 2020), [https://taxprof.typepad.com/taxprof\\_blog/2020/03/list-of-law-schools-that-have-moved-online-due-to-the-coronavirus.html](https://taxprof.typepad.com/taxprof_blog/2020/03/list-of-law-schools-that-have-moved-online-due-to-the-coronavirus.html).

29. Bridget J. Crawford, *What Our Students Want Us to Know*, FAC. LOUNGE (Mar. 29, 2020, 5:36 PM), <https://www.thefacultylounge.org/2020/03/what-our-students-want-us-to-know.html> (including representative from law student commenting on the experience of taking classes from home: "Mental health-wise, my anxiety has been pretty bad but I have been doing my best to complete my school work and push through. I just wanted to point this out as it might not be seen as an extreme circumstance, it still has slightly disrupted how I normally am able to study in a library or have separation of school and home.").

30. *See, e.g.*, Press Release, New York State Court of Appeals, New York State Bar Exam Rescheduled for Fall 2020, (Mar. 27, 2020), [https://www.nybarexam.org/Press/PressRelease\\_NY\\_BarExam.pdf](https://www.nybarexam.org/Press/PressRelease_NY_BarExam.pdf).

31. *Enabling Breakout Rooms*, ZOOM, <https://support.zoom.us/hc/en-us/articles/206476093-Enabling-breakout-rooms> (last visited Oct. 19, 2020).

32. *See* Crawford, *supra* note 29 (including the following comments: "When being home, there is more distraction especially since my younger siblings have begun online schooling as well. Being closer to school years than my parents (and more technology savvy) I feel responsible for helping my younger siblings and finding it harder to put my studies first," and "I don't have access to a working printer, and it's hard to get any quiet alone time to really work undistracted.").

discussion-based course for thirty-nine students in Feminist Legal Theory than it was to lead ninety-nine students in a doctrinally heavy course like Corporations & Partnerships, my other teaching assignment during the same semester.

During the pandemic, the online portion of the course continued to function as it had when classes had been meeting in the traditional, in-person format; there were no interruptions or discernible changes in this portion of the class. The online portion of the class allowed students to express their wide-ranging interests and share their experiences with each other. They pushed each other to think about the world in different ways. Although no student facilitators specifically chose a coronavirus-related topic after the March 11, 2020 switch to 100% percent distance education, the discussions took place against the backdrop of the most extraordinary disruption to legal education in any of our lifetimes. To honor the students' resilience, creativity, and interests during this time, I asked whether the class would be willing to publish an edited version of the semester's online forum contributions. Inspired by their enthusiastic agreement, I proceeded to lightly edit the posts for grammar, spelling, and content. Then I selected posts from each week's forum; my goal was to provide the reader with a representative sample of contributions, but not a complete chronicle of every entry from the semester. Students then had the opportunity to review, edit, and approve the assembled posts.

The contributions to the collective conversation are marked with each participant's individual name. The posts are organized roughly by weeks of the semester, although in a few cases where the forums for different weeks covered similar subject matters, I chose to combine student posts for readability. A short, italicized sentence explains the material that the week's student leaders had chosen as the starting point for that week's online discussion.

The essay, as a whole, reflects the concerns, doubts, and questions of law students deeply engaged with issues of gender-based fairness and justice in society. Consistent with the course as a whole, feminist legal theory is the primary lens through which the participants analyze the issues and engage deeply with each other. As their professor, I am so proud of these students for being willing to share their views, work,

aspirations, and humanity with each other and with all of us, through this essay.

## II. GENDER AND SUCCESS

*For this first forum of the semester, students viewed and responded to Chimamanda Ngozi Adichie's TED Talk, "We Should All Be Feminists."<sup>33</sup>*

**Leandra Cilindrello:** Chimamanda Ngozi Adichie explains that the person who deserves an influential position is the more creative, intelligent, and innovative person.<sup>34</sup> There are no hormones for these successful attributes. Women work just as hard in school and their careers as men do, yet I was the one being told I would never be academically successful. Adichie said that we teach girls not to make themselves smaller.<sup>35</sup> People tell us to "aim to be successful," but not too successful. The real question is: why should a woman's success be a threat to men?

**Jon Khan:** I have found women in general absolutely work harder than most men I personally know. Especially the women in our law school! Regardless of gender, success should be something that everyone strives for. I feel that the men who are scared of a woman's success are the ones who are the most insecure and under-prepared for life.

**Giovanna DiFilippo:** One time I went out on a first date with a man who, when the bill came at the end of dinner, said "Oh I never know how to handle this awkward situation now a days—with all the girls and feminists who do not appreciate when the guy pays and get upset over it." To which I replied to him that I would split the bill. He accepted and said that was fine with him and that he was glad the "awkwardness" was over. He did not get a second date.

Now that I look back on this experience and think about the points brought up in this discussion thread, I am not exactly sure

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33. Chimamanda Ngozi Adichie, *We Should All Be Feminists*, TED (Dec. 2012), [https://www.ted.com/talks/chimamanda\\_ngozi\\_adichie\\_we\\_should\\_all\\_be\\_feminists?language=en](https://www.ted.com/talks/chimamanda_ngozi_adichie_we_should_all_be_feminists?language=en).

34. *See id.*

35. *See id.*

why splitting the bill on the first date was a turn-off for me (besides the fact that he assumed I was a “crazy” feminist who does not believe in men paying for dates). I do not expect (and would not want) to be showered in free dinners and gifts by the men I date, and I am happy to contribute and provide, but there is something about the first few dates that I think is an important part of the courting process and also shows a man’s interest in forming a relationship with a woman. I have talked to my female friends about this topic and their expectations on who pays for the first date. My group of girlfriends all seem to agree that if a guy pays for the first few dates it “proves his interest” and shows that he is willing to support and provide for the relationship. When I talk to my guy friends about it, they seem to share the same sentiment and say that they “feel better” to pay for the first few dates. One of my friends has shared that he feels “emasculated” and even rejected if the woman he takes out on a date refuses to let him treat her.

I think that the societal norm that men are expected to pay on the first date is interwoven into the courting process. I think this is “deeply ingrained” into us because it is in our human nature and is reflected by the types of partners we choose.

**Jessica Adlam:** Ms. Adichie made an interesting point about how money is often linked to masculinity.<sup>36</sup> This point made me think about how many women I know expect the man to pay for dates and unknowingly associate men with money. This makes me think of the sixth opening move of feminist legal theory, which is unpacking choice. Many women would choose not to pay when going out with a man, which is a belief that has been reinforced by social norms. Associating men with money also further enforces gender hierarchies because men often have higher paying jobs than women.

**Erin Davies:** Chimamanda Adichie summed it up perfectly when she said, “We have evolved, but our idea of gender has not.”<sup>37</sup> Although women no longer rely on the strength of men to help them survive, we still behave as if men are the most important protectors, bread earners, and leaders in our society. Classmates pointed out that men are expected to pay for dates, especially early in a relationship. I believe this expectation or

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36. *See id.*

37. *Id.*

behavior mirrors the roles society feels men should fill. Although roles in relationships are changing in comparison to that of our parents' generation, the question remains, to what extent? For example, although a woman may be working a full-time job to help provide for her family, she is still often expected to do the housekeeping, cooking, and primary caregiving for the children. It seems that instead of the roles beginning to equalize, women are placed under increasingly burdensome expectations.

**Mackenzie O'Brien:** Gender identity is important to who we are and how the world perceives us. It is my opinion that the more gender expressions and identities there are, the more comfortable we will be with seeing that gender does not define our ability to pay for dinner. If we give space to the varying expressions of woman-ness, queerness, maleness, and all other forms of gender expression, it may help break down the expectations that we have of one another based on the dichotomy gender structure Western culture has.

**Velislava Bozhinova:** Adichie mentioned that she was told feminism is a Western thing.<sup>38</sup> As someone who has lived on two different continents, I can testify that it is not. It just means different things in different cultures. For some, it means having already achieved social, political, and economic equality between sexes. For others, it means still fighting for it.

Growing up in Bulgaria, I did not know what a glass ceiling was.<sup>39</sup> I did not know what a pay gap was.<sup>40</sup> I grew up seeing women hold office and own businesses. I grew up with a grandmother who was a single mom, and yet managed to buy an apartment all on her own. When I recently asked her if men and

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38. *See id.*

39. *See, e.g.,* Julia Kagan, *Glass Ceiling*, INVESTOPEDIA (Oct. 24, 2019), <https://www.investopedia.com/terms/g/glass-ceiling.asp> (defining the glass ceiling as “a metaphor referring to an artificial barrier that prevents women and minorities from being promoted to managerial- and executive-level positions within an organization. The phrase ‘glass ceiling’ is used to describe the difficulties faced by women when trying to move to higher roles in a male dominated hierarchy.”).

40. *See, e.g.,* Robin Bleiweis, *Quick Facts About the Gender Wage Gap*, CTR. FOR AM. PROGRESS (Mar. 24, 2020, 9:01 AM), <https://www.americanprogress.org/issues/women/reports/2020/03/24/482141/quick-facts-gender-wage-gap/> (defining the pay gap, also known as the gender wage gap, as “the difference in earnings between women and men”).

women get paid the same in Bulgaria, she did not understand my question.

When my aunt asked how maternity leave works in the United States, I told her that in most states, it is up to individual employers. I told her that New York started a family leave program which gives both mothers and fathers ten weeks off with sixty percent pay.<sup>41</sup> She needed me to explain this again and again. In Bulgaria, a new mother can choose to take the first two years off while receiving ninety percent pay the first year.<sup>42</sup> She said that this is because Bulgarians value these precious “baby’s first” moments, the mother-child bond, and because they understand that a woman’s body takes time to recover after growing, delivering, and nurturing a human. However, having achieved this equality does not mean that traditional views of the household do not apply. While the expectation is that women work full-time just as men, the expectation is also that women come home to clean, cook, and take care of the children. Men, on the other hand, are expected to just come home and relax, or get together with their friends and watch soccer until dinner is ready.

### III. MENSTRUATION AND LAW

*Students listened to and responded to an episode of National Public Radio’s Morning Edition.*<sup>43</sup> *This episode featured a group of eighth-grade students in the Bronx, New York, who started a podcast about menstruation.*<sup>44</sup>

**Ophilia Tommy:** It is absurd to force young girls to follow a specific guideline on how to deal with their periods in school. I think that society tends to forget that having your period is not

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41. *Bonding Leave for the Birth of a Child*, N.Y. STATE PAID FAM. LEAVE, <https://paidfamilyleave.ny.gov/bonding-leave-birth-child> (last visited Oct. 19, 2020).

42. See Chris Weller, *These 12 Countries Have the Best Parental Leave Policies in the World*, BUS. INSIDER (Nov. 7, 2016, 11:15 AM), <https://www.businessinsider.com/countries-with-best-parental-leave-2016-11>.

43. Elissa Nadworny, *Periods! Why These 8th-Graders Aren’t Afraid to Talk About Them*, NPR (May 15, 2019, 5:02 AM), <https://www.npr.org/transcripts/721729850> (transcript of conversation with the eighth-grade students and creators of the podcast “Shhh! Periods”).

44. *Id.*

something we can control. Also, the fact that pads or tampons are not specifically referred to by name on directives describing waste disposal adds to the absurdity, and it made me wonder who these guidelines are intended to protect. It is certainly not the young girls because they are likely already aware of what these “feminine products” are. Furthermore, the fact that one of the students in the podcast was not allowed to go to the bathroom during class when she was menstruating is a major health hazard.<sup>45</sup> This can lead to infections, which can further lead to that student missing school and therefore missing out on learning that day’s class material. This is an extreme leap in logic, but it is very possible. I commend these young ladies for sparking the much-needed conversation and for not allowing society’s stigma to dictate how they should speak or feel about their periods.

We are basically doing a disservice by not educating everyone on this topic. This disservice is just adding to the problem by promoting the stigmatization of periods. We should look at period cramps as a strength and not a weakness. It takes a lot of strength to go about your daily activities when your insides are practically falling out.

**Olivia Brenner:** I totally agree that there needs to be more openness about periods, especially when taking into consideration the health risks associated with the current way society treats people on their periods. Yet I think there is some nuance that is lost when we take periods out of the private sphere and into the public sphere so holistically. Periods can and should be seen as a normal part of life, and for many people it can even be seen as a beautiful aspect of their womanhood, but at the end of the day it is still a bodily function. Everybody defecates, and everybody knows that everybody defecates, but we do not feel the need to make podcasts about it. I commend these students on bringing awareness to the very real issues they and their peers face, but I worry that there is no room in the burgeoning discussion for people whose experiences with their periods are closer to an internal battle than a celebration.

Every person who menstruates has a completely unique relationship with their periods, and there are so many factors

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45. *See id.* (reporting by a student that her teacher would not allow her to leave class to go to the bathroom to change her menstrual product).

that go into it. I want to be very clear that I think advocacy work towards destigmatizing periods and to mitigate the health issues that have been caused by the current stigmatization are vital, but my concern is that sometimes the segment of advocacy focused on raising awareness skews towards a specific narrative of the “moon-goddess, embrace your inner she-wolf, bleed on anyone in your way” type. This is great for people who have positive relationships with their periods, but in my opinion, it can further marginalize people who do not see themselves that way. People with conditions like polycystic ovary syndrome<sup>46</sup> or endometriosis<sup>47</sup> often have complicated feelings towards a body that feels like it is trying to kill them. Transgender men who menstruate can be completely erased from the conversation and their specific needs ignored because the way they are marginalized in multiple, intersecting ways is ignored. There is a middle ground between celebrating periods and stigmatizing them where health information is freely known and shared, but privacy is still an option.

I have seen a similar situation develop over the years as sex positivism has grown as a movement, particularly in my online spheres. Sex positivity started as embracing a woman’s freedom to be as sexual as she wants. However, this has resulted in backlash against women who support the movement but do not make the choice in their personal sex life to push sexual boundaries. There is this idea that if you are not “sex positive” you are automatically “sex negative” which is crazy to me because, like periods, there are so many factors that go into a person’s decisions regarding sex.

All of this is to say that my hope for period activists is that they consider the needs of people who menstruate, that want to be able to live their lives comfortably and safe from medical harm, without having to confront a difficult aspect of their bodies

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46. See *Polycystic Ovary Syndrome*, U.S. DEP’T HEALTH & HUM. SERVS., OFF. ON WOMEN’S HEALTH, <https://www.womenshealth.gov/a-z-topics/polycystic-ovary-syndrome> (last visited Oct. 20, 2020) (PCOS “is a common health problem caused by an imbalance of reproductive hormones. The hormonal imbalance creates problems in the ovaries. The ovaries make the egg that is released each month as part of a healthy menstrual cycle.”).

47. See *Endometriosis*, U.S. DEP’T HEALTH & HUM. SERVS., OFF. ON WOMEN’S HEALTH, <https://www.womenshealth.gov/a-z-topics/endometriosis> (last visited Oct. 20, 2020) (explaining the condition as one in which the body attempts to shed extra-uterine growth of tissue).

even more than they naturally must.

**Sagar Yadav:** It is true that everyone defecates, as Olivia said, and everybody knows that all other humans defecate. But not everyone menstruates, so putting the menstruation conversation into the public is not only important for women but also for men. Men do not have a full understanding of periods and how menstrual cycles work (well, I sure did not), and I believe it is from this ignorance that us men treat periods—moreover, women—the way we do. Furthermore, by putting this conversation into the public sphere, men are better able to understand how society treats women because of their periods.

**Giovanna DiFilippo:** I was always perplexed in grade school when we would have health class and our teachers would carefully separate us. I remember when I was in fifth grade and we started learning about puberty, a boy in my class actually raised his hand and asked what the girls were watching before we were split into gendered groups. The teacher replied that the girls were watching a “girly” video and that he was going to watch the “boy” version. I remember wondering what that “boy” version would be, as if it would be in a different language. We had health class for about two weeks every year until tenth grade, and it was not until tenth grade that they stopped splitting us up into gendered groups. However, we only discussed sexually transmitted diseases and abstinence in the tenth-grade class. I was never taught about male puberty, just as my male classmates never learned about female puberty. As a result, I believe this is why adults, like the teachers mentioned in the podcast,<sup>48</sup> are uncomfortable and squeamish when talking about puberty to kids.

One way we could resolve this discomfort is by being open and honest with kids from the start. We hide puberty and push off the responsibility of teaching both boys and girls about their bodies until we have to, around the time they start going through these changes. If we began educating children early and not treating the male and female human body as some mystical, shameful thing to experience, then we could normalize periods.

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48. See Nadworny, *supra* note 43.

**Kerri Krippel:** There is an American Girl<sup>49</sup> book called *The Care & Keeping of You*,<sup>50</sup> educating girls on female puberty. In my middle school days, I remember all the moms in my friend group passing this book along to each other to have their daughters read, including my mom as well. But as I Googled the title of this book today, because I did not quite remember the exact title, it seems that American Girl came out with a version for guys called *Guy Stuff: The Body Book for Boys*.<sup>51</sup> Granted the book about male puberty did not exist at the time, but I am pretty sure the moms circulating the female book would not have introduced this into circulation. Looking back, the moms with only daughters always gossiped as if talking about anything male related, especially puberty, was forbidden or a sin, and how could their daughters be subjected to hearing this (which is absolutely crazy if you think about it). Even in literature they influence the separation of learning male or female puberty. I agree that males should be educated about the changes, especially periods, that happen with a female, and vice versa. American Girl should publish a book combing all different aspects of puberty, regardless of sex or gender. However, I can only speak about the American Girl books because I have only seen that book. When I was working at Barnes and Noble, that was the only book parents would ask for when it came to books on puberty. There might be other books out there that combine both, but at the moment I am unaware of any.

Having the equal opportunity to become aware of such information, especially at a young age, will allow for all those

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49. AMERICAN GIRL, <https://www.americangirl.com/shop/ag/who-we-are> (last visited Oct. 16, 2020). American Girl is a line of Mattel dolls sold with companion books or stories meant to illustrate the girl's life story. *Id.* Each story is situated in a particular historic time period, and several of the dolls are meant to represent a particular social, racial, or ethnic experience. *Meet the Characters*, AMERICAN GIRL, <https://www.americangirl.com/discover/historical-characters> (last visited Oct. 16, 2020) (including Kaya (a Native American girl), Addy (an enslaved girl in the American South), and Nanea (a Hawaiian girl)). At the flagship American Girl store in Rockefeller Center in New York City, young customers can bring their dolls to the Doll Hair Salon; the girls, dolls, and parents can attend afternoon tea together. *American Girl Store New York*, AMERICAN GIRL, <https://www.americangirl.com/retail/newyork-city> (last visited Oct. 17, 2020).

50. VALORIE SCHAEFER, *THE CARE AND KEEPING OF YOU: THE BODY BOOK FOR YOUNGER GIRLS* (rev. ed. 2012).

51. CARA NATTERSON, *GUY STUFF: THE BODY BOOK FOR BOYS* (2017).

stereotypes, specifically about periods, to begin to fade. I do not believe that this is a change that would happen instantly, but it could be a step in the right direction.

**Jessica Adlam:** I also vividly remember reading that book when I was younger, Kerri, and how it was almost a secretive thing to have a book like that! I remember not being allowed to show anyone the contents of the book, especially the opposite sex. Also, I recall in middle school how they always separated male and female students when teaching about puberty. I found this idea odd because it is important for both genders to learn about and be exposed to male and female biology at a young age. This lack of education has led many males to not fully understand female biology, especially when associated with having a period. It is important to make periods and puberty less secretive concepts in society by educating both sexes on the topic. This could mean integrating sexes when it comes to learning about puberty and circulating materials to explain puberty to both sexes.

**Bhumi Patel:** I personally did not learn about periods until my fifth-grade health class, which is, honestly, somewhat sad because I am a woman, and I should have been aware earlier about my body and the changes it would be going through. I feel as though the stigma of not talking about periods should not just be eradicated from schools, but it should also start with home life. Parents can also play a huge part in normalizing conversations about periods. I remember coming home that day from school and running up to my mom and saying, “How could you not tell me about periods? I cannot believe this is going to be happening and I had to find out from the health teacher!” Her response was something along the lines of, “I was going to bring it up when you got to middle school,” but she made it seem like “period” was a bad word. I do not blame her because society has forced us to have negative connotations around the subject. I wish this topic had been spoken to me earlier and more often. Families and schools can make an effort to talk about it earlier and more often to avoid it being seen as a taboo subject.

Flash forward to present day; I wish I had learned more about conditions associated with menstruation including

PCOS<sup>52</sup> and endometriosis.<sup>53</sup> I feel as though we should bring more awareness to these topics; they are not as well known to men and women.

**Alec Weissman:** I will be the first to admit that I do not know much about periods and wish that I had a better understanding of the topic as a whole. While I would not call myself ignorant to menstruation, as I remember learning about the process in public school and becoming aware of what it broadly entails, I do think that my lack of greater understanding is likely a result of personal disconnection and disassociation from the topic. As a male, I feel as though our patriarchal society has pushed men away from understanding periods and created an environment in which the thinking of “this does not affect me so why should I care” is perpetuated. In turn, men have not felt the need to have discussions about periods and have largely avoided thinking about it (I cannot recall having a conversation about periods in any context outside of school, even having grown up in a household with my mother and slightly younger sister). As I grow older, however, I have come to realize that periods are something which men need to have a more than basic understanding of. One day, if I were to have a wife or a daughter, I would like to be able to speak to them about menstruation and be knowledgeable, as opposed to unaware of the basics. I would want to make sure that normal biological processes were not foreign to me, but rather, were something that I could be informed about and educated on. If men were to make periods more societally acceptable to speak about, I believe that this could be achieved.

**Alexandria DeCola:** As a woman with two brothers, I have seen first-hand the lack of knowledge that men have on the entire menstruation cycle. I commend Alec for admitting this lack of knowledge. Some men choose to remain in the dark and would rather not know about what happens during that time of the month.

A way for more men to learn is to not be afraid to ask women questions about what is happening, or anything that they are confused with. This may be awkward at first, but this is also a step toward normalizing the entire conversation about periods

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52. See generally *Polycystic Ovary Syndrome*, *supra* note 46.

53. See generally *Endometriosis*, *supra* note 47.

since many people go through this every month. Children should be exposed to the process of periods at an elementary school age. This is when I was first told about this process, and it was even too late for some girls whose periods came earlier than others. Educating everyone at this age will give people the ability to ask questions and learn from each other.

**Katherine Henderson:** Girls were not allowed to bring their purses into the bathroom in my high school (which I never really questioned, but looking back, it was a totally weird policy). I have vivid memories of having to wear shirts with long sleeves even in the spring and summer so I could hide a tampon in my sleeve when I had to use the bathroom.

In my high school and in many public places, there are machines where you can purchase a tampon or pad. However, those machines always require you to *pay* in *quarters*; honestly, I can barely remember to keep quarters around to use the laundry machine in my building! As a teenager in high school, I never had extra change to use those machines when needed.

There is such a stigma around menstruation that women feel compelled to hide feminine hygiene products. Periods are not something women should be embarrassed of or try to hide. However much I truly believe that, I also am one of those individuals who will shove tampons up my sleeve or carry my enormous purse with me into the bathroom stall to avoid being “caught” on my period. The stress and anxiety that comes with wondering *what if other people find out* is so silly. Yet it is hard to *not* feel the embarrassment that has been so ingrained in us and our culture, and to take a chance that we may be judged, called out, or even ridiculed for a perfectly normal bodily function.

**Jennifer Fineman:** Until college, I felt extremely uncomfortable even purchasing period goods at the store. When I was in high school, I used to make my mother wait in line and purchase the period products, while I waited on the side because I was so embarrassed. I assumed she felt comfortable purchasing period products because she was a more experienced period-haver. When I moved away to college, I would purposely go to the self-checkout line at the store, so I did not have to make eye contact or engage in conversation with the person at check out when I was purchasing my period products.

It was not until a few months into college that I stopped

feeling ashamed for having a period. The residential advisors would leave free pads, tampons, and condoms in an accessible basket near their doors. The boxes would be restocked every two weeks. We would use student programming funds to pay for the products. Representatives from the on-campus health center conducted “period-positive” workshops on women’s health in the residential buildings throughout campus. The more exposed I was to others telling me it was only natural to purchase menstrual products, the more confident I felt! By my second year of college, I felt comfortable enough to wait in line at the pharmacy and tell the clerk that I was taking advantage of the store coupon “to buy \$7 worth of menstrual products, get \$2 off.” The clerk told me that the store clerks were happy someone actually looked at the booklet of coupons.

**Erin Davies:** I completely empathize with feeling embarrassed when dealing with menstruation products, like Jennifer. Personally, the embarrassment came from the feeling of somehow being “lesser” when I was having my period. Men in my life would not take me “seriously” if I were “on the rag.” A joke that resounds in my mind to this day is: “I do not trust anything that bleeds for seven days and never dies.” In my experience, the physical act of having a period is far less embarrassing than the connotations that inevitably went along with it. Addressing not only the secrecy of periods, but also the belittling and shame that goes along with them is a very complicated task. Although, I agree that a combination of early education and exposure to menstruation has the greatest chance of solving this type of social stigma.

**Daniella Presser:** I definitely agree that education on this topic is necessary and that the lack thereof is doing us a great disservice. Olivia’s comment got me thinking. Menstrual education should not be suppressed; nor should it be a topic concealed in shame and humiliation. However, I do think it is important to recognize that menstrual education and awareness can be achieved while implementing appropriate boundaries. My point is: etiquette and respect should be somewhat relevant to achieve the desired goals through a balance. At the end of the day, menstruation is still a “private bodily function.” There are people that believe in keeping private matters private. Then, there are people that generally have physiological reactions when “squeamish” topics arise such as blood, vomit, fecal matter,

etc.

Medical education and other forms of education are taught openly, in an appropriate manner, while producing adequate and educated medical care personnel. I was not saying that the article is saying we should all go around talking about bodily functions in an immature way, but what I was trying to say is that Olivia's comment made me think that *some* people *may* perceive it that way, and that if that is the case, then mutual-respect, and possibly agreeing to compromise may be necessary for both sides to be receptive to change.

I do believe that the law does have room for legally oriented conversations about menstruation, and menstrual education should be implemented into curricula.

I absolutely love the idea of having a menstrual leave! My only concern is that the constitutionality of such a program could be challenged. For instance, pregnancy leave alone would favor women over men because obviously, men cannot get pregnant and therefore cannot take a pregnancy leave. However, "parental leave," which includes both pregnancy and paternal leave, accommodates both men and women and is therefore constitutional. A menstrual leave, alone, can easily be constitutionally challenged because it biologically only applies to women. So, how would we cure the constitutionality issue? Implementing menstrual education into schools' curricula benefits everyone. Here, I guess if menstrual leave is not mandated and private companies decide to implement a menstrual leave, it could work. I am sure that when the pregnancy leave issue was raised, no one thought it would be possible to find a solution, but a solution was found. I know there must be ways to bring this idea to fruition, and I think we should explore all avenues to make it happen!

**Katherine Henderson:** I have never heard of paid menstrual leave before. Apparently, menstrual leave is a thing in Japan, Taiwan, Indonesia, South Korea, and Zambia, and several private Indian companies "have started such policies in recent months."<sup>54</sup>

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54. Aneri Pattani, *In Some Countries, Women Get Days Off for Period Pain*, N.Y. TIMES (July 24, 2017), <https://www.nytimes.com/2017/07/24/health/period-pain-paid-time-off-policy.html> (defining a "menstrual leave policy" as "allowing women to take a

I cannot name one woman I know who has not had to miss school, work, or a social event due to period pain. For anyone who is not aware, here is an article which discusses some of the symptoms involved with periods.<sup>55</sup> Without the menstruation context, the symptoms discussed in the first paragraph of the article are symptoms which most people would consider “bad enough” to justify absence from work or class. For example, I know both men and women who have left work early due to horrible migraine headaches or gastrointestinal issues. On the other hand, with menstrual leave comes the old-timey notion that women on their periods are “handicapped.” I understand the concept that women should not be labeled as handicapped or incapable when they are on their periods; however, I think the benefits of menstrual leave greatly outweigh any prejudice to women, especially because so many women suffer disruptions to everyday life. There are statistics to support this: one in twenty women experience menorrhagia, or heavy bleeding, which prevents them from doing normal activities and generally interferes with their daily life.<sup>56</sup>

**Victoria Piekarz:** Every member of society should absolutely be educated on the topic to the extent that we all understand, acknowledge, accept, and are comfortable with, a basic bodily function. Both men and women should be able to talk about their bodies and how they function without being ashamed or uncomfortable.

With that said, I think some people tend to draw the means by which we should achieve this goal slightly out of proportion. Just because we are comfortable with it, does not mean we must deny or ignore the parts of it that are unsanitary and unsightly. Particularly regarding the physical and hygienic aspects of periods, it is almost as if, in our attempt to normalize it, we are

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paid day off during their period without dipping into sick days or vacation time”).

55. See *Period Pain*, MEDLINE PLUS, <https://medlineplus.gov/periodpain.html> (last visited Sept. 30, 2020) (some symptoms include “throbbing, cramping pain in the lower abdomen, . . . lower back pain, nausea, diarrhea, headaches, . . . weight gain, bloating, irritability, and fatigue”).

56. See *Menorrhagia (Heavy Menstrual Bleeding)*, CLEVELAND CLINIC, <https://my.clevelandclinic.org/health/diseases/17734-menorrhagia-heavy-menstrual-bleeding> (last visited Sept. 30, 2020).

forcing people to become *too* comfortable with it—by excessively including it in day-to-day conversation when nobody asked, by expecting people to be completely unfazed by blood, and the like. Not everybody wants constant exposure to these topics, and I do not think there is anything wrong with that. As people need to be respectful of our feelings and experiences, we also need to be respectful of theirs. For example, I recall reading an article about a woman who ran a marathon without wearing a tampon to “raise awareness.”<sup>57</sup> This was quite a few years ago, and even then, I thought to myself—is this really the best way to raise awareness? Frankly, I think things like this could perhaps be what is the cause of some (not all) of society’s discomfort. The message that is illustrated is interpreted as inappropriate and uncomfortable for many, thus defeating the purpose. In fact, this may worsen the very problem they are trying to solve. Behavior like this seems a little counterproductive.

I am comfortable with my body and its functions, but in my own practices, I tend to be pretty conservative with my feminine hygiene habits, as well as with expressing my thoughts/feelings/monthly experiences. Certainly, if somebody asks for details or if it is relevant to the discussion, I am happy to talk about it and am completely comfortable. But I am not going to constantly bring it up and share details just for the sake of making it “normal” because I do not think that is normal behavior! Olivia raises a good point—we know to have good manners when talking about and/or performing other bodily functions, and I do not see how menstruation needs to be any different. This does not necessarily mean anyone is “uncomfortable” with it or that it is lacking any sense of normalcy.

Being an empowered female who is proud to be a woman

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57. Char Adams, *Woman Runs London Marathon Without a Tampon, Bleeds Freely to Raise Awareness*, PEOPLE (Aug. 7, 2015, 3:15 PM), <https://people.com/bodies/kiran-gandhi-m-i-a-drummer-runs-london-marathon-without-tampon> (describing how a runner “let her blood flow freely to raise awareness for women who have no access to feminine products and to encourage women to not be embarrassed about their periods”); Helin Jung, *26-Year-Old Woman Free Bleeds Proudly Through Her First Marathon*, COSMOPOLITAN (Aug. 6, 2015), <https://www.cosmopolitan.com/health-fitness/q-and-a/a44392/free-bleeding-marathoner-kiran-gandhi> (describing *Cosmopolitan* magazine interview with runner Kiran Gandhi about running a marathon while menstruating without using any menstrual products).

and who is eager to positively impact the world does not mean we need to be running marathons wearing blood-soaked pants or vocalizing the intimate details of our bodily functions in social settings.

Because normalizing periods is a “newer” social problem, I think the next step toward progress is finding the right balance to accept and educate, without going too far.

**Karli Regalbuto:** The marathon runner not wearing a tampon perhaps was not the best way to start the conversation about periods. It could have made people uncomfortable for its extreme display of women getting their periods. It also was probably not the healthiest or most sanitary demonstration for the actual runner herself. However, it did spark a thought that there are times when female athletes are not given even the smallest accommodation when they have their periods.

For example, I remember when I was on a soccer team in middle school and high school playing away games or practicing at my own school. The female teams’ fields were often further away from the school than the male teams’ fields. Some schools did not have restroom facilities by the female fields in the case that a female athlete would need to use one during the game. Sometimes those schools did not even leave the actual school buildings unlocked to access the bathroom because the games were played after school hours. This posed a challenge to the female athletes who had their periods and needed to take care of certain needs during a practice or game. This created a panic of trying to figure out what option was left if during the game the female athlete needed to change her tampon or had an emergency. Especially during a time when a woman’s cycle is not always “on track,” not having accommodations during sporting events could really deter female athletes from showing up to practice or to games while they have their period.

**Rachel Rosenblum:** It is so awesome that such young girls are getting together and doing something about the stigma that unfortunately comes with “period talk.” The one aspect of the article that really struck me was the part where one of the girls mentioned that at first, she was apprehensive about talking about periods so openly, but once she did, she felt safe.

I was really glad to hear that this student felt safe and included in something bigger than just her individual self. I think the result of talking so openly about periods is to enhance

that innate “womanly bond” women supposedly have and to feel more connected to one another. Who knows— maybe these types of conversations could make girls feel more empathy towards one another, and decrease the rates of girl-girl bullying (which is arguably the worst type).

**Sarah Shirkey:** I commend the young girls who are so proudly outspoken for their age, although I do not entirely agree with the message. Women should never be shamed for the natural development of their bodies, but I do not think the right way to address periods is through a media outlet such as a podcast, social media, or otherwise. Ultimately, the conversation to be had revolves around a very personal experience, and as such, period conversations should not be held in a public forum. Perhaps I am too much a product of my environment, but I believe “private parts are private matters.”

Periods are a natural occurrence, and the stigma must be undone, but I believe the goal here is simplified normalization. Simplified normalization means a respectful mutual understanding between men and women about the menstrual cycle but does not induce public debates over such (although I am replying to the main thread here, like Olivia said, everyone defecates. I am right there with you, Olivia!). Normalization comes from open, healthy conversations and proper education. Currently, there is an absolute imbalance in society. Option A is to jump around and scream, “I am bleeding,” where option B is to cower in the corner and pretend periods do not exist (overly simplistic, I know). Neither one of these suffice and elementary schools are the best place for the opportunity for change. Open, healthy conversations allow young girls and boys to learn about the female reproductive system and understand the monthly cycle girls and women go through. Keeping young boys out of the conversation does not allow the topic to be normalized and perpetuates the taboo. I believe and hope that upon simplified normalization the embarrassment girls and women feel, and “squeamish looks” that men shoot us, will dissipate.

In my opinion, a public forum like a podcast gives the conversation an “agenda” connotation which promotes men/boys/anyone who is against the conversation to chalk it up to, “I have another opinion and disagree and am allowed to disagree so I will stop listening now,” rather than truly hearing the underlying foundation for the podcast.

I am not sure if the law is the right place to reverse the stigma. Like I mentioned in my original comment, I think change at the elementary school level is the best way to implement this. That may mean that the stigma will not die out entirely for adults because of the generational disconnect. Non-menstruating adults who respectfully listen to opposing opinions and are open to the conversation is a great start, but these people might be unlikely to change their own minds on the topic. Developing the conversation with our own peers is great, but I think the changes in conversation will have more substantial effects on younger generations as a more futuristic standard for our children, grandchildren, etc.

You also mention the connection between personal and political beliefs. I want to stress that I absolutely support women coming forward and sharing their stories of sexual abuse or harassment. In my opinion, this is an entirely different realm of feminine issues than a period podcast. Abuse and sexual harassment should be dealt with in the public eye because these are criminal actions that deserve punishment. Periods are a biological difference between men and women. I see the two as completely disconnected.

**Robert Rosenberg:** I was lucky enough to be raised in a house with an older sister and a mother who was happy, willing, and encouraging me to discuss and understand periods to the best of my ability at an early age. Because of that, by the time I was around the age that girls in my class were getting their periods, I was very sensitive to their feelings and what they were going through, even though I could never fully empathize with their experience, nor would I attempt to.

While I see some peoples' points regarding those who do not feel that podcasting is the right forum for this type of discussion, I tend to err on the side of vocal body positivity in order to destigmatize menstruation. Once everyone is educated and comfortable talking about it, only then can we make headway on the legal side of things.

**Komali Yaskhi:** When I was younger, I really did not care if anyone knew I was on my period. I grew up mostly with my mom (an endocrinologist) and younger sister, so periods were frequent and not taboo. We would buy giant bulk packages of pads. There was no one at home who would feel grossed out by a pad wrapper left on top of the trash can, and no one made

asinine jokes about being moody or having premenstrual syndrome.<sup>58</sup> But as I realized that other people around me were so covert about their periods and would not discuss them with fathers, brothers or other men, I sort of absorbed the mindset that I should also hide the fact that I menstruated. I have heard several women complain about when they have to change their pads/tampons in public restrooms because the packaging makes a loud rustling noise and causes others to realize they are on their period. I honestly do not care if a random person, who is in the bathroom while I am, knows that Aunt Flo is visiting (I hate this euphemism and only mentioned it to perhaps spark a conversation on the absurdity of period euphemisms).

A few years ago, my New Year's resolution was to get comfortable with my period again and unlearn my own feelings of shame about it. I had just been diagnosed with PCOS,<sup>59</sup> and it explained a lot of the symptoms I had been experiencing for years. At first, I felt really betrayed by my body and its abnormalities. I envied people with easy "mild" periods. I did not realize just how common it was to have PCOS, endometriosis, or other similar conditions; it is just that no one ever seemed to talk about it! I think there is a real value in sharing health struggles with one another, and now I will happily talk about what helps me during my periods with anyone who wants to know!

My resolution entailed not keeping menstrual products in hidden compartments of my bags or hiding them up my sleeves or in my pockets. Anytime my bag was inspected at the airport, movie theater, or museum, all my stuff would be out in the open. If I purchased something period-related at the pharmacy, I would not "buffer" my purchase with other items I did not need, but I would not be shy if my purchase also contained stereotypical period accompaniments like chocolate or ice-cream.

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58. See *Premenstrual Syndrome*, U.S. DEP'T HEALTH & HUM. SERVS., OFF. ON WOMEN'S HEALTH, <https://www.womenshealth.gov/a-z-topics/premenstrual-syndrome> (last visited Oct. 20, 2020). Premenstrual syndrome, also known as PMS, "is a combination of symptoms that many women get about a week or two before their period. Most women, over 90%, say they get some premenstrual symptoms, such as bloating, headaches, and moodiness. For some women, these symptoms may be so severe that they miss work or school, but other women are not bothered by milder symptoms." *Id.*

59. See generally *Polycystic Ovary Syndrome*, *supra* note 46.

I also began to use clear/light grocery bags rather than opaque ones (a common practice in India) to hold my period purchases, just to further push myself out of my comfort zone and convince myself and others (without being too in-your-face) that these are normal everyday products, just like toothpaste or paper towels.

I hear the diverse points about privacy and etiquette; I understand that my resolution may not be something that appeals to most people. However, I think there is a difference between periods and other private bodily functions, such as burping, spitting, peeing, etc. For me, it is that periods can be a great source of severe physical pain; they have a much longer duration than the other bodily functions I listed above, and they are not a universal function that everyone's bodies can experience. To people whose only perception of what a period is like comes from commercials where women (I know that not everyone who menstruates is a woman, but I cannot say I have seen a trans or non-binary person represented in a period commercial) are dressed in all-white and playing tennis and eating salad, the reality of what periods are like is still shrouded in secrecy. Commercials are generally far from the truth, but depicting period blood as a blue liquid is absurd. It makes me think of Adichie's quote that women have turned pretense into an art form.<sup>60</sup> I do not feel like being chipper, eating fruit, or trying to sit upright in class when on my period; I would rather be in fetal position in my bed.

Perhaps some people find it empowering to go through physical pain for three to seven days each month while carrying on with their lives as though everything is fine. But when we deal with other aches or injuries, we can show others that we are in pain and still surviving, so why do we put up a false front in this context? Why are we unable to show ourselves being a bit more sensitive or vulnerable? It is such an act of care to be asked how you are feeling by someone who can see that you are in pain, and who offers something to make you feel better. I do not want to close myself off to giving or receiving those offers because people are not sharing what they may be going through under the guise of privacy or embarrassment. I do not want to pretend my period does not exist or does not affect me. And I do not want to pretend it is fun either. It just exists as part of my life, and I

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60. See Adichie, *supra* note 33.

would like to share that experience just as any other.

**Jon Khan:** As a male living in today's society, and also as many individuals in the class have already discussed, there is definitely a lack of education and awareness into the prospects of womanhood and biological growth within an opposite gender. When I was in health class in high school, we did not learn about periods or anything like that, which in turn leads our society to stigmatize the whole notion. It was not until I was in my first relationship that I truly saw the depth of the month-to-month life of a woman in regard to menstrual cycles. My girlfriend at time was diagnosed and struggled with PCOS for our whole six-year relationship. Some days, I did not know how she did it, but I was always as supportive as I could be during these times within my role as her boyfriend. Back to the NPR *Morning Edition* episode<sup>61</sup> and stigmatization in general, there was a point made by one of the girls which read:

When I heard we were [going to] talk about periods, at first I was disgusted and uncomfortable because that's just how I am. . . [b]ut once we got to talk about it, and I learned that what happens to me happens to all these other girls, it made me feel more comfortable. It made me feel safe.<sup>62</sup>

Additionally, "the more they learned about the stigma around periods, 'we just wanted to keep talking about it. It's not a secret or anything.'"<sup>63</sup>

This highlights what my belief is around the stigmatization of periods. The more students learn about menstrual cycles and the different variations of them, how beautiful and natural they are, what their purpose is, and how society's stigma attached to them inhibits the growth of children who turn into adults, the more "socially normalized" they will be. In my opinion, this would be done at an early age (middle school). Some might view this as too young, but while I was studying for the LSAT, I was also teaching within my school district as a long-term substitute

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61. Nadworny, *supra* note 43.

62. *Id.*

63. *Id.*

for a middle school class when their teacher fell ill. I learned that kids today are more mature than they were when we were in their shoes. They are ready to learn about these topics, and we as their elders should be exposing them to these topics.

What fuels stigma in my mind is the notion of myths. Myths which spring from lack of education and understanding. Children always fill in the blank spaces of what is misunderstood with whatever they can in order to attempt to understand (until they are corrected). This is a byproduct of education and teaching in general. It is up to both our educators and parents to fill in these blanks at an early age so we can correct the stigma and hopefully abolish a taboo that should not have been one in the first place.

#### IV. GENDER-BASED DIFFERENCES IN MORAL REASONING

*Students watched a video featuring psychologist Carol Gilligan, famous for her work on gender-based differences in moral reasoning.<sup>64</sup> Students also watched a TED Talk by activist Courtney Martin entitled “This Isn’t Her Mother’s Feminism.”<sup>65</sup>*

**Rachel Rosenblum:** I think society likes to portray the stereotypical notion that “feelings are for women” and “a good woman does things for others (i.e., family, friends), before herself.” I disagree with both notions.

I think that the first notion is extremely harmful to a human’s growth and development as they age and mature. Not coming to terms with your own feelings could have detrimental effects on your relationships with others. I respect and support the social movement that is going on in our society that encourages men to recognize their feelings and work through them, instead of pushing them down and acting as if they are not there.

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64. Big Think, *Carol Gilligan on Women and Moral Development*, YOUTUBE (Apr. 23, 2012), [https://www.youtube.com/watch?v=2W\\_9MozRoKE](https://www.youtube.com/watch?v=2W_9MozRoKE). See generally GILLIGAN, *supra* note 11.

65. Courtney E. Martin, *This Isn’t Her Mother’s Feminism*, TED (Dec. 2010), [https://www.ted.com/talks/courtney\\_e\\_martin\\_this\\_isn\\_t\\_her\\_mother\\_s\\_feminism?utm\\_campaign=tedsread&utm\\_medium=referral&utm\\_source=tedcomshare](https://www.ted.com/talks/courtney_e_martin_this_isn_t_her_mother_s_feminism?utm_campaign=tedsread&utm_medium=referral&utm_source=tedcomshare).

The second notion is more complicated. I think to a certain extent, *everyone* should be a little selfless, but to demand this of *just* women is problematic. It contributes to the subordination of women and does not acknowledge that each individual woman is her own person and has her own feelings, values, and expectations. It also contributes to an expectation that a woman is there to serve her family, and she should be putting her husband (or wife) and children before herself. To a certain extent, as a parent, I do believe that there are things you have to “give up” for your children, but I have concerns that women (specifically mothers) will lose themselves in being “selfless” because that is what is expected.

I think that as individuals we have different morals based on our culture, family values, and maybe even religion. Gender/sex most definitely plays a role, and I think those influences come in more once we are figuring out our own place in society (i.e., puberty, or maybe even younger).

**Megan Carbia:** I think this idea Gilligan explains that “to care about relationships was to be like a woman” is definitely a stereotype that society places on women on a regular basis, and it is a stereotype that, although it is aimed directly at women, I believe is equally detrimental to both men and women who believe in it.<sup>66</sup> Similar to what Rachel said, I think that especially with men, to grow up learning that this idea of caring for others and showing emotions and feelings is a “women thing,” prevents men from coming to terms with who they are and their feelings, which in the end could cause significant damage to how men grow up and how they react to different relationships. This idea that “caring too much” is not manly enough forces men to bottle up their feelings and emotions to the point that it becomes harmful to themselves when they do end up reaching that point in their lives when they need to express their feelings.

I also believe that this idea that “feelings are for women” is extremely detrimental to how women grow up and perceive themselves. This could have the opposite effect on men’s reactions in this case. To criticize and prevent women from acting “too tough,” or not being the “caring young women” that they are supposed to be, can definitely undermine a woman’s confidence and her chance to have a voice in society. I think

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66. See Big Think, *supra* note 64.

every person can choose how tough and caring they want to be in their lives without being conformed to these “correct ways of life” consistent with their gender/sex.

I think that this idea that a “good woman” is selfless, forces young women to grow up learning that if you are not selfless, then you are essentially a “bad woman.” Teaching women to be selfless contributes to the subordination of women, basically teaching them that women do not have a choice when it comes to themselves and that caring for yourself is the last thing that any woman should be doing. By following this notion, we are allowing ourselves to become objects to men with no voice or opinion.

**Alec Weissman:** The first notion of feelings being for women is particularly interesting to me. As a male, it was ingrained in me from a young age to be “tough” in dealing with my emotions. In a choice between rejecting my emotions entirely or thinking through what I was feeling, it was the former which I was expected to choose. For a long time, I did not think that there was anything wrong with making this choice, as all my family and friends also made that choice. However, as an adult, I see how dangerous and detrimental such a mindset can be. As you noted, shutting off emotions can cause problems in relationships and everyday life, and I have seen this first-hand. There are a number of times that I can recount when I was feeling an emotion, both positive and negative, and could neither find the words, nor actions, to express it. Had I been able to make it clear how I was feeling, I think that those friends or family members I was interacting with would have had a better understanding of where I was coming from or what was going through my mind at the time.

While many males probably share some similar experiences, I do think that there are positive strides being made societally which have perpetuated more males talking about their feelings. This conversation needs to be stimulated and encouraged, as it benefits countless people in the long run. Everyone has emotions, and while we may feel them for different reasons and deal with them differently, it is healthy to face them head on and be able to talk about them when we so choose.

**Jacqueline Jonczyk:** At a young age, many boys are taught to be “tough” and deal with emotions on their own, rather than expressing feelings. I feel it is much more common to see

or hear a woman expressing her emotions rather than a man putting his feelings on display. Komali mentioned in her response that society has caused us to believe that expressing emotions shows a sign of weakness. I think it is unfortunate that the suppression of emotions has become associated with being “strong” and “brave.” Rather, I believe that being able to express emotions, whether it be sadness, anger, happiness, etc., shows bravery and self-awareness. I think for our own mental health and for the good of relationships, it is vital for individuals to feel and express emotions in any way that feels comfortable to that person. I also believe that each individual has their own way of expressing emotion, and we cannot assume that just because someone is not crying it does not mean they are not sad. I think there are ways to explore emotions in an uncensored way that is different to each person. Communication goes a long way, and if people are able to recognize their emotions and communicate them the way they feel comfortable, it would be a big step for society in the long run. I believe this applies to all genders and is an important topic to be discussed amongst everyone, not just men. Women also struggle with expressing their emotions, and I think that everyone is different and there is more that goes into being able to express emotion other than your gender. That being said, I do believe if the notion of “being weak if you express emotion” needs to be intercepted at a young age so that children can grow up to be more self-aware and not ashamed of expressing these emotions, whatever they may be.

**Katherine Henderson:** Men being taught “feelings are for women” in order to validate some masculine power dynamic is not talked about nearly enough. It is evident that the consequences of teaching girls and boys to handle emotions differently is horrific and manifests itself in violence and tragedy, especially in recent times. As human beings, the ability to process, understand, and express feelings is greatly underrated in today’s society, especially so for men. I think it is important to address that (1) selfishness is not a trait exclusive to men, (2) *selflessness* is not a trait exclusive to women, and (3) feelings should be felt and expressed in healthy ways by all people regardless of gender.

**Komali Yaskhi:** I think the real problem is our society believes emotions signify weakness and that women are the “weaker sex.” Therefore, any qualities of weakness make oneself

womanlier and less manly. People are taught that strength is a good quality, and that in order to be strong, we cannot show emotion. So, we go about trying to be strong, suppressing any emotional outbursts that make us seem like we cannot control our feelings.

Showing emotions certainly can make a person feel vulnerable, but vulnerability is not inherently a bad thing. Repressing emotions over time leads people to unhealthy and dangerous habits, just for an outlet to numb the pain that they cannot express. It can be a lengthy and challenging process to unlearn all the things we have been taught about silencing our feelings. Not everyone has access to resources like therapy or a network of people to talk to who can listen to their emotions. People should also be mindful of emotional labor costs.

It is also strange that emotions are gendered instead of being considered a universal human thing. For instance, it is okay for women to express happiness or sorrow, but it is frowned upon for them to experience rage and disgust. Men, on the contrary, are allowed to express anger as vividly as they please but are not supposed to express sadness or fear. Many times, women in male-dominated fields are scrutinized for any expression of emotion. This ties into last week's period discussion and how people believe that women experience too much hormonal fluctuation to be in control of their emotions.

Also, since women are considered the natural caregivers of children and the elderly, both generally more vulnerable populations who are not at full capacity of controlling themselves emotionally and physically, it often becomes the responsibility of the women caretakers to control the emotions of other people. Men seem to only be responsible for controlling their own emotions, even when they are the ones causing women to be emotional. When men do express a lot of emotion, even if in an inappropriate setting, people often let it slide because the belief is that he must have kept it inside himself until he could no longer control it, so it must be a big deal. Even if it was not a big deal, and he just had a disproportionate reaction to it.

**Xavier Prescod:** I was not surprised to hear about the differences in male and female moral development. Also, I can definitely attest to the scenarios involving the students in Gilligan's class in which it seemed imperative for good women to be selfless, and for men to not act the same way or else they

would be in danger of being labeled “woman-like.”<sup>67</sup> Personally, I feel like men are groomed to be “tougher” and actions such as responding to the feelings of others and caring about all relationships are viewed by men as them being too feminine or soft. I feel as though this societal approach is very detrimental and in fact is a big reason for the existence of toxic masculinity, as women are expected to put their feelings and contentions aside for the benefit of others.

However, I feel the morals differ between men and women because of gender/sex to a certain extent. I also feel that various factors such as religion, upbringing, and social status can play a big role in the framework of the morals of the respective genders.

Throughout the decades, I feel feminism has changed heavily in part to the rise of the Internet and social media. Before the Internet, feminists had no choice but to be more hands-on and protest and reach out to others in the community in-person. Now, since the rise of the Internet and its use being a societal norm, we see the existence of blogs or even Instagram pages where feminists can come together along with the longstanding existence of protests and such.

## V. SEXUAL VIOLENCE

*Students watched a TED Talk by Jackson Katz, “Violence Against Women – It’s a Men’s Issue.”<sup>68</sup> Mr. Katz is the founder of a gender violence prevention program called Mentors in Violence Prevention.<sup>69</sup>*

**Rachel D’Ambrosio:** Last summer, I was able to work with the Pace Women’s Justice Center (“PWJC”)<sup>70</sup> in the Family Court Legal Program.<sup>71</sup> Our job was to help victims and

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67. See Big Think, *supra* note 64.

68. Jackson Katz, *Violence Against Women—It’s a Men’s Issue*, TED (Nov. 2012), [https://www.ted.com/talks/jackson\\_katz\\_violence\\_against\\_women\\_it\\_s\\_a\\_men\\_s\\_issue?utm\\_campaign=tedspread&utm\\_medium=referral&utm\\_source=tedcomshare](https://www.ted.com/talks/jackson_katz_violence_against_women_it_s_a_men_s_issue?utm_campaign=tedspread&utm_medium=referral&utm_source=tedcomshare).

69. *Meet Jackson*, JACKSON KATZ, PH.D., <http://www.jacksonkatz.com/> (last visited Sept. 30, 2020).

70. See *Pace Women’s Justice Center*, *supra* note 3.

71. See *Family Court Legal Program*, PACE UNIV., <https://law.pace.edu/services-and-programs/family-court-legal-program> (last

survivors of domestic violence get emergency orders of protection, child custody orders, as well as support orders. Although PWJC is focused on helping women, they help anyone and everyone who walks through their doors. During my time with this program, I was shocked at how many men came into our offices and needed help. Typically, when I hear about a domestic violence incident, I immediately think of a female victim and a male abuser. My time with the PWJC made me rethink what a typical victim of domestic violence looks like. However, whenever I interviewed a male victim, there was one common saying that almost all of them said: “I can handle myself, I am not worried about her hitting me, it is not like she can actually hurt me.” These men were embarrassed to actually admit that they needed help or that they were scared in these situations. I think this directly relates to the point Katz made towards the end of his TED Talk; he said, “There are pressures on men. There are constraints within peer cultures on men, which is why we need to encourage men to break through those pressures.”<sup>72</sup> If we can break through those constraints on men in this realm, not only will we be able to help more victims of domestic violence, but it will no longer just be seen as a “woman’s issue.”

**Komali Yaskhi:** While working at the United Nations last year, I was fortunate to attend many events marking the ten year anniversary of the United Nations Mandate on Sexual Violence in Conflict.<sup>73</sup> It was very powerful to hear from a panel of male survivors of sexual violence in armed conflict from across the globe. Initially, these men had been reluctant to come forward with their stories. They highlighted that the language they felt more comfortable using to describe what happened to them tended to minimize or cover up the acts that had taken place. They would prefer to say, “they slept with me,” instead of

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visited Sept. 30, 2020) (describing the Family Court Legal Program as a “legal education program tailored to meet the needs of domestic violence victims while providing professional legal training to law students on handling domestic violence cases”).

72. See Katz, *supra* note 68.

73. U.N. Deputy Secretary General, *Remarks at Event to Commemorate the 10th Anniversary of the Mandate on Sexual Violence in Conflict*, U.N. PEACEKEEPING (Oct. 30, 2019), <https://peacekeeping.un.org/en/10th-anniversary-of-mandate-sexual-violence-conflict>.

detailing horrific experiences like genital mutilation, or sexual slavery. Sexual violence affects boys in areas of conflict too, but it is more taboo than violence against girls, so there is a stigma against men who come forward with the truth. The director of the Refugee Law Project shared that countries accept more women and children refugees because they are often unaware how many men are also affected by sexual violence and stressed that male survivors need more support in order to come forward and get help. Working with male survivors has significant benefits for their loved ones and for understanding how sexual violence is often deployed as a weapon of war. To put an end to all violence in conflict zones we must include boys and men in our conversation about sexual violence.

**Jennifer Fineman:** There needs to be more education on the false gender stereotypes that always make women the victims of domestic violence and men the perpetrators. According to Katz, part of the education involves learning to have a voice when you hear people talking about “weak men” who are unable to defend themselves in a domestic violence setting.<sup>74</sup> Regardless of a person’s gender, no one should have to endure domestic violence. It is a disgusting concept we have ingrained throughout most cultures that men have to be the strong ones (physically and emotionally). A man is entitled to have feelings, and if a man is being abused, he has the right to find safety (through an order of protection or some other legal remedy) and to have people listen to his voice.

Nevertheless, I have found it to be extremely difficult to step into a conversation when people are talking negatively about someone else and say that it is not okay. I want to find ways to actively break the stigma towards men, especially when it comes to domestic violence. While I always try to intervene and stand up for my peers, it is hard to find a balance between knowing if someone will actually listen when you stand up, or ignore you and continue to talk negatively about that person, based on their gender, race, etc., when you are not around.

**Komali Yaskhi:** Men can be unaware of the lived experiences of women and marginalized people, and they generally do not do much to change the way things are for people in the less dominant groups of society. Men in my life are often

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74. See Katz, *supra* note 68.

surprised when they find out the number of things they take for granted that I cannot, because I am concerned for my safety. One thing that often feels like a gender issue that men do not want to discuss, even though they see it happening all around, is catcalling!

I remember meeting up with someone in the East Village once, and I mentioned to him that I had just gotten catcalled twice on my ten-minute walk over from the subway, and his response was, “That is how you know you are in New York City, right?” I was so disappointed by that. I understand that he does not know what it is like to be catcalled, because it has never happened to him, but he did not care that it happened to me or ask if it affected me at all. Perhaps he even thought I was flattered. It was also weird to me that he cited New York City specifically, when in fact, catcalling seems to happen universally. It is the catcallers, not the city, that is to blame. I would love it if more men spoke out against other men whom they have witnessed catcalling women in the streets. I know the “bystander effect” is really strong when it comes to this type of harassment.<sup>75</sup> Sure, catcalling generally does not escalate to physical violence, but it certainly is not an enjoyable experience or one that benefits anyone’s life.

When I was younger, I asked my parents why I had to be home by a certain time or why I could not go places on my own late at night, believing that they did not trust me to be responsible. They did trust me, but they did not trust the general public. No matter how careful I am, many things will always be out of my control. You could be the safest driver on the road, but that does not mean you will not get in an accident; there are bad drivers sharing the road with you. You try to be as safe as you can, but you still prepare for bad things to happen occasionally. Sometimes, when I explain the fear of sexual violence or other “gender-specific” issues to the men in my life, I have to use the more relatable example of driving (ironically,

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75. Madeline C. Whitcomb, *Reflections on Bystander Intervention: Barriers and Facilitators in Sexual Assault Helping*, 96 U. N.H. SCHOLARS’ REPOSITORY 1, 7 (2013) (defining the bystander approach as “where the bystander is a peer onlooker or person who is present, yet not directly involved, in the given situation . . . Bystander intervention emphasizes an integrated method for stopping sexual assault through community involvement and it shifts the burden of sexual assault prevention away from the victims.”).

because I myself do not drive) instead of sharing my (and my fellow women's) actual lived experiences with harassment and assault (like, X happened to me so now I have to do Y as a precaution when I go out).

On a first date last summer, I was offered a ride home. I wanted to accept, but I hesitated because I hardly knew the guy. I took pictures of his car and license plate and sent them to a friend before I got in, and then for the duration of the car ride, I had "share my location: enabled" with that friend. I made sure to enter my address into my own GPS instead of the one in his car, so he would not have my address saved. My date seemed bemused by all the safety measures, but he was not offended that I did not trust him, since we have all heard the horror stories from many people. A year later, we are both happy with how things turned out. I usually tell my friends to share their location with me if they are going somewhere unfamiliar to them, and I check to make sure they have gotten home alright, regardless of their gender. This is one of the times I am super grateful for technology because it helps us stay connected with people and document where we are/where we are going. It is a relief to not feel like you are totally helpless or alone if something goes wrong.

**Cecilia Bonetti:** Rather than leaving men out of the conversation, we need to start adding them to it. I feel like a great part of this is the question of accountability, and this accountability has to be across the board, not only on the individual who committed the violence, but also as a society and how we react to these situations. Too often, judgments are made and passed onto the victim about what she was wearing the night she was raped, or how much she had to drink, or the fact she just met him at the bar that night—why would she go home with a stranger? I have seen it play out on the news, too. They are quick to put the spotlight on the victim and start picking apart what *they* did that caused this, rather than what the perpetrator did. If we as a society start changing our reactions to these situations, move away from victim shaming, and move towards putting the spotlight on the individual who committed the violence, I think this would cause a positive shift in how domestic violence situations are handled and hopefully create a better environment where victims feel much more comfortable coming forward, regardless of gender.

**MacKenzie O'Brien:** It is often scary to say something to our peers, friends, family, or partners when they say or do something that makes someone uncomfortable. Without people helping others to find the courage to announce that they are safe areas for others, the violence discussed by Katz will only continue. Little by little the actions of each individual make a tremendous difference.

By creating the space for male-identifying persons to understand that what is happening to them is in fact wrong, barriers will come down. Honestly, I find that encouraging our loved ones, who are men, to cry and express their emotions more fully helps to at least begin to bridge the gap between us. In my own personal experience, I have seen this do wonders for my male friends to feel that they can share their sadness, anger, and happiness as fully as needed (in a safe manner, too!). This gives them the tools to teach other men to feel more complex emotions and find connection with others.

Our space within ourselves and the space we give to each other is just as important as providing the basic legal options for protection from violence. Without creating the space to feel as though men can speak up and be heard about the violence they experience, they will not enter places like the PWJC. From the previous comments, it seems that not many of us have seen a man in there (I know that I did not during my time in the office). We have the knowledge that men experience relationship and sexual violence, and we have the knowledge that they seek help at a staggeringly low rate. Katz is definitely correct; we must use our language to create the space for men to speak up.

**Drew Wares:** I agree with the notion that characterizing gender violence as a women's issue allows men to not pay attention. It basically shifts the burden off men and on to women. By shifting this burden, it becomes too easy for men to ignore such a pervasive problem in our society.

I have a friend who had a boss who was (and still is) one of those "boys" Katz speaks about. That boss always had a short fuse, and when he was set off at the workplace, he would really explode. Holes would be put in walls, people would be screamed at, and stuff would go flying. My friend looked at the boss as someone who was always stressed out and simply had no control over his anger. But the sad reality is that the boss is a victim. After a few years of working there, it was revealed that he, his

mother, and his sister were all physically abused by their father. Unfortunately, this becomes a cycle where young boys who were abused then become abusers. I believe we need to have more open talks about this “men’s issue” and hopefully we will be able to break this cycle of sexual and gender violence.

**Jon Khan:** I feel that if more adult men took a stand against racist, homophobic, and sexist remarks made by peers it would indeed start to mold a societal construct that will diminish the need of resorting to that type of language and thought. For example, in my own personal experiences with racist, homophobic, or sexist remarks, when another individual (who I know personally or do not know, it does not really matter) drops a remark that fits into one of those categories, I immediately feel my heart sink to my stomach in disgust (that is part of the solution, I know most people feel the same way now a days). If we adopt this bystander approach as a whole and make it a point to call out others when they are engaging or attempting to engage in that type of talk, individuals with empathy (most people) will develop that same heart-sinking trigger, which will in turn shape our society for the betterment when it leads to confrontation. Overall, this video has encouraged me to voice my opinions expressly and immediately upon hearing sexist, racist, or homophobic comments for the future. I will implement the bystander approach into my own life, 100% percent.

**Alexis Epstein:** The points that men in power should be the ones who are speaking out, and the existence of the bystander approach really made me think back to when I played soccer in college. I thought back to my team’s dynamic compared to the men’s team’s dynamic. This stigma and environment in men’s sports is a huge issue in sports and many issues stem from it. Men are taught to be tough and “macho” and work through the pain. Now we are seeing many football players with serious brain injuries from playing through years of serious concussions.<sup>76</sup> But our society pushes that atmosphere. This atmosphere is fostered from a young age. Coaches need to teach these young athletes to be “leaders” and stand up for women’s rights from a young age. I played soccer from when I was two years old, and my coaches had a huge impact in my life. They

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76. See Joe Ward et al., *110 N.F.L. Brains*, N.Y. TIMES (July 25, 2017), <https://www.nytimes.com/interactive/2017/07/25/sports/football/nfl-cte.html>.

have a huge impact in many people's lives (not just people who go and become star athletes). Maybe somewhere to start is with leadership.

**Lisa Podlubny:** There are so many issues in addition to gender violence where people simply find it easier to turn the other cheek because those issues do not directly affect them. These societal harms encompass so many things, from genocides that take place in other countries, to hatred of others that stems from those individual's beliefs, religious, or other. As sad as it is, with our world today being so technologically intertwined, where people from opposite ends of the world can easily connect with one another, there exists a huge problem where people who are not affected by certain issues also find it much easier to disregard them. All they really need to do is close their computer and phone screens, and the problems that do not phase them can seemingly disappear. This "bystander approach" mentioned by Katz<sup>77</sup> is truly a scary thing. Bringing it back to my original point, I believe that there needs to be a collective effort, not only by men, but by everyone in order to bring about change.

## VI. GENDER AND THE LEGAL PROFESSION

*Students read a news article profiling twenty-one first-year associates at the law firm Debevoise & Plimpton.<sup>78</sup> Twelve years later, five of those attorneys were the subject of a video profile.<sup>79</sup>*

**Leandra Cilindrello:** My expectations for becoming a lawyer are practical—I believe that I will work twice as hard as my male counterparts in order to achieve the same jobs as them. I also believe other women will have this same mentality and try

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77. See Katz, *supra* note 68.

78. Emily Nussbaum, *Great Expectations*, N.Y. TIMES MAG. (Sept. 9, 2001), <https://www.nytimes.com/2001/09/09/magazine/peers-great-expectations.html> (noting that although number of women entering law schools exceeds number of men, women are less likely to make partner than male attorneys, and asking, "Do the new female associates expect to see themselves making partner in greater numbers than their predecessors?").

79. N.Y. Times, *Twelve Years Later: Checking in with Five Female Lawyers*, YOUTUBE (Nov. 12, 2013), <https://www.youtube.com/watch?v=2QCzlsjlieM> [hereinafter *Twelve Years Later*] (profiling five of the attorneys who had started as associates at Debevoise & Plimpton in 2001).

to make up for it by being more forceful towards each other in the workplace. However, I feel as a woman, I can provide another dimension to legal work—compassion. Because I want to be an Attorney for the Child (Law Guardian), I feel that being a woman can only enhance my job performance. As we talked about in class, women sometimes tend to be more relational, and I think it is appropriate to have that as a quality when dealing with children as clients. I also believe being an attorney will be tough when trying to start a family.

After watching the video, the women have shown me that you can have a family while being a successful attorney. They basically reiterated the notions that feminist legal theorists preach. Women have the capabilities to do anything we put our minds to, but we should not have to do it all on our own. One of the women in the video stated that being a successful female attorney is possible, all you need is “a great partner, and a great workplace.”<sup>80</sup>

As women, we feel like we have something to prove when entering a predominantly male legal field. I think we need to learn to use this to our advantage. We should take advantage of joining successful firms and working our way up to leadership positions. All it takes is the right employer to be able to showcase our knowledge and talents. This can also be said about having a great partner at home to help with the responsibility of children. The woman who said all you need is a “great partner and a great workplace,”<sup>81</sup> said that her husband was also an attorney. This just shows that if we have the right people in our corner, we can accomplish anything.

**Samara Simpson:** I have always been passionate about advocating for those in need. I want to focus on public interest which, in my opinion, is often viewed as an area where men make a better fit or are typically more aggressive.

I will admit that while in search of my first legal job, I was advised by a very close mentor who has been an attorney for over fifteen years not to interview at the moment because I was pregnant at the time. Although I know that this advice came from a good place, it was very discouraging to hear that something so natural could negatively impact my potential of

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80. *Id.*

81. *Id.*

gaining employment or give off the impression that I would not be as capable of working as hard as anyone else because I am a mother.

Men and women are inherently different; I believe we have different things to offer the workplace and have separate definitions of what success looks like. I think it is not only important, but also helpful, to learn about the experiences of women who came before us to prepare for our own futures. It is reassuring to see the success they have attained and how they got there. It encourages other women, as well as gives women tips and tools to get to where they want to be in their profession. One woman expressed the importance of having a supportive partner to help with the balance of work and home life which is what helped her achieve success. This encouraging advice is what other women need to know to reaffirm that it can be done.

**Lisa Podlubny:** My future career path is a little bit different, given that I will be working in financial counseling. However, as many of my peers noted in their responses, I do expect that I will have to work harder than my male counterparts. Being that the field of finance is predominantly male, it does make my future plans, such as taking maternity leave, seem a little unnerving. At my firm, account managers are the equivalent of partners in a law firm. My current account manager is a female and is one of the youngest account managers in the office. She is amazing at what she does and is incredibly hardworking. Seeing women in powerful roles is a huge motivating factor and something I find extremely inspiring, especially in a field that is dominated mostly by men.

Unfortunately, I found many of the comments made by the female attorneys who were interviewed in the video to be extremely accurate. With respect to men not having to think as much about balancing work and family life, this comment is one that resonated with me the most. Important leadership positions often come with strenuous lifestyles. The firm where I work mandates that account managers travel to meet with current and respective clients. These meetings take up more than half of the work-year. Aspects of certain job titles, such as this one, are more complicated for females who wish to make time for their children. I think this is an unfortunate reality of why a majority of persons in these roles are males.

**Robert Rosenberg:** I know someone who works in the

music industry at a reasonably progressive record label where they implement paid family leave for men and women (some of which is mandated by law, and some of which is employer policy). But one of the programs the company has implemented is paying for female employees to freeze their eggs, which, to me, seemed in many ways very “progressive” and in other ways fairly regressive. It is progressive in that it allows women who work at the company to take advantage of a program that allows them to work during prime child-bearing years without the worry of the proverbial biological clock. It is regressive because I wonder about the message the company is sending to its female employees. Are they suggesting that their female employees should put the company before their personal life aspirations? Or was the company, in good faith, trying to help women “have it all?”

**Sarah Shirkey:** The pressure women feel in a male-dominated environment is a subconscious fear that we feel. Women have come leaps and bounds over the past few decades, and we should all be proud of the opportunities that 2020 allows us to have, but sometimes I think emphasizing the past interferes with the now. One of the best experiences I had during my externship was a feedback meeting with a male supervisor. He told me that I often hold back my ideas, but when I shared them, they were good ideas. He told me that I have good “lawyer instincts,” but I needed to boost my own confidence and faith in myself. I think this is an unfortunate lesson I have learned in life, but I take it as a good lesson. When I feel myself holding back, I remember this conversation and disregard my fears and go forth. I hope that other women dealing with the same subconscious fears can have similar experiences because it has been beneficial for me.

**Drew Wares:** When I think about my future career I expect to work hard and work very long hours. I am genuinely prepared for my life to be totally consumed by work. As a male, I guess the videos will not change my perspective about my own future career obviously because they are about female lawyers at work.

I do think it is obvious, however, that women experience discrimination in the workplace. I think women are especially discriminated against when it comes to “making partner.” Men certainly have the advantage to put in more hours at the workplace, whereas women might be dedicating more time to

raising their children. I think there is also obvious discrimination against women simply because men want to maintain their power and dominance.

I thought the women in the video were very inspirational. I think learning about the experiences of women who came before other women will certainly help prepare women for their own futures. They can shed light on what to expect, share their mistakes, and give advice to the next wave of female lawyers entering the workplace. I believe men could even learn from the experiences of these women. Perhaps this might be too optimistic of a view. But you would think men would see that women, such as Mary Beth Hogan, are just as capable of being phenomenal lawyers as men are. I am sure there are many female lawyers who are superior to male lawyers in knowledge and skill. In my own opinion, I think promotions should be based on merit rather than gender.

**Kerri Krippel:** I definitely know that there is going to be an uphill battle when entering the working world. I know when it comes time, I am going to have to choose between prioritizing having a family or a career. I would like to think that I am going to have a difficult time deciding when the time comes, but I feel as if I already know what path I am going to take. That path being a stay-at-home mom to raise my kids. I have always looked forward to being a mom since I was a kid; this has been the one thing that has been a constant throughout my life. I decided right before graduating college in 2017 that I wanted to be a lawyer. It was never something I wanted to be growing up. I am still not 100% sure of what exactly I want to do because I am just so indecisive. Hopefully, if I find a career that I love and do not want to leave when I want to have kids, I will smoothly jump over the hurdles I will face.

I found the articles very eye-opening that women can actually strive to have both goals in life. I feel like I always saw it as black and white: either you have a successful career, or you stay at home to raise your children. With that being said, the quote by Amy Thomas<sup>82</sup> really resonated with me when going

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82. See Nussbaum, *supra* note 78 (“I see myself as a mother in 10 years, and definitely working, but I don’t know if it’ll be as a partner in a law firm. Of course, there are disadvantages for women -- or maybe this is not a disadvantage -- but women have more of a sense of commitment to other things in life. In your career, that’s a disadvantage; in life, it is an advantage.”).

through all the various quotes by these women. My kids are definitely going to see me as a caretaker because I want to raise my kids the way my mom raised my brothers and me (she gave up a career for us and she still revolves her life around us).

**Robert Rosenberg:** There is no scenario in which I would feel satisfied going through my life not having a child. Regardless of whether I find a partner with which to have said child or not, I am going to find a way to have a child. Because of that mindset, I believe either a federal or a state mandate for paid family leave is crucial to the foundation of our society. We cannot expect mothers to take on all the responsibilities of child-rearing, especially in the beginning stages of the child's life. If our society is predicated on strong families (which is what many sociologists would argue), then we need to make sure that the parents are provided with the means to create, maintain, and sustain a strong family. "Family" in that context, does not necessarily mean a mom, a dad, and some kids. It could mean two moms, two dads, stepparents, foster parents, grandparents, single parents, etc. But the general idea of having legislation protect children and the family system, in my view, is crucial. That same argument goes for free childcare so parents can go to work and support their children and/or do a job they trained their whole lives to do or go to school. So, in short, I do not feel that we are currently doing enough to support parents, especially single parents, in this country.

**Rachel Rosenblum:** I want to work in family law, so I am expecting that my future career will be filled with hard work, but I also expect accepting and encouraging coworkers will push me to do my best yet understand if I am having an off-day. I hope that the law firm I work for is not aggressively focused on billable hours and pushes its employees to go the extra billionth mile. Lastly, I would like to be respected in my future career. I assume that this will happen in a family law firm (that is typically employed with women, where men are the minority), but in case that does not happen, I want to be able to be assertive without coming across as rude—which is a double-bind in itself.

The materials did not really change my perspective because I am somewhat aware of the difficulties and pervasive stereotypes that still make their way through corporate law firms. I think learning about the experiences of women who came before me will help me adjust to the law firm or adjust to

the practice of law overall. The experiences of women who came before me could also be harmful or negative because those women may be operating under the assumption that things will not ever change, or no person could get a male partner to change his mind on women's place in the workplace. The statistic of only four percent of women making partner in top law firms is frustrating. I know I talk about the "double-bind" a lot, but I see it here. Our society celebrates pregnancy and children. It is such a profitable market with everything involved (i.e., the various parties and celebrations). Making this connection, it seems like outer society is saying, "Yay I'm so excited that you're pregnant," "What's his or her name?," "When are you due?" But if you are a woman who is working really hard (especially in a corporate law firm), you are met with those comments, but also kind of shamed for something that society is celebrating. I hope that law firms one day can catch up to society and make a woman feel proud to announce that she is pregnant, instead of feeling embarrassed or nervous to tell the male partner.

I think the discrimination against women in law firms comes mainly from the jokes and work culture. No one (including me) wants to speak up and make someone feel uncomfortable when they tell a bad joke, but I think that in these environments, that is where the discrimination starts, and the stereotypes thrive.

**Jessica Adlam:** I expect my future career will be busy and require hard work and determination to work as an attorney. I am prepared for the realities of the working world and realize it will not be an easy task to start out as a young lawyer. Because I will be taking the Hawaii bar exam, I have somewhat different expectations than people who will be practicing in New York. So far, in both my interning and life experience in Hawaii, I have noticed that many women are in highly esteemed roles and are more equal to their male counterparts. I have also noticed that certain stereotypes regarding women are not commonly held in Hawaii, which makes me feel less pressure as a female lawyer. I acknowledge that there still may be difficulties when it comes to child raising while working a demanding full-time job. I do believe learning about women's experiences that came before us will help us, as women, transition into different roles. Many times, I believe we are not fully prepared for what is ahead of us unless we learn from other's experiences. Reading the stories of

these women was inspiring and has helped me better prepare for my own career as a female attorney.

**Alexandra Spinner:** I do not really know where my career as a lawyer will be in the future, but I do think that it is plausible to be a female partner. I think, when it comes to being a professional, you cannot get everything you want, and that goes for both men and women. Although I believe that women think about it more than men and have more obstacles than men, there is always going to be a sacrifice. One of the women in the article said that she would not be okay with a nanny or babysitter watching her child. That is a valid belief and is totally fine; however, one cannot then expect that they can further their career if they do not plan on putting in the hours to make managing partner; it is not a nine to five job.

Based on my anecdotal observations, women tend to think about their families first and their careers second, but as long as you can find a balance that works for you, I 100% believe that you can be successful as an attorney and have a family. Maybe I am naive for believing that, but seeing it all work out first-hand, despite the sacrifices made, it is just something that everyone has to face for themselves.

**Alexandria DeCola:** Everything in life requires balance. A lot of times it will be a balance between having a family and advancing to a higher position in your career. I also agree that this is an individual decision. However, I think that this decision involves more than just one person. I think that if a man or woman is married, then they do need to consider their spouse in this decision. Many people want children in their future and also want to have a successful career. Traditionally, the entirety of childcare would be placed on the woman. However, today we are seeing more of a balance between men and women in that sense. I think having a supportive family could definitely take some of the pressure off of women and allow them more freedom with advancing their career. I agree that wanting everything is not practical because at some point, a person can only do so much with the hours in the day, but I think that people can have more than they think. Having a supportive husband or wife who is willing to pick up some of the slack with childcare can change how women see their career. In my personal experience, both of my parents have been very focused on their careers and also very focused on their children. They

almost took turns with advancing their careers and focusing on family. Sometimes these areas overlapped, and it was not always easy for them, or for me, but now looking back, I see that it is possible. But that mindset was something that they both agreed on early in their relationship, and that they both wanted and were willing to sometimes sacrifice. I do see that this is not ideal for everyone or every situation because everyone's situation is completely different. Having what you want will take sacrifice, but I believe that if you have a good support system behind you then you can make it happen.

**Julianna Sedlacko:** I often imagine what my future career will look like. Before law school, I was positive I would end up being a criminal defense attorney. Now, I see myself in "Big Law" working at a firm specializing in mergers and acquisitions. Being that I have yet to be exposed to the demand such a firm places on a junior associate, the only expectations I have seem to be based on stereotypes. For instance, billable hour requirements, gender disparity in the partnership ranks, and an overall male-dominated firm culture. As I type this, I am thinking to myself, "Wow, that sounds terrible. Why would any female attorney voluntarily go into a work environment like this?" While I cannot speak for anyone but myself, I must say, as discouraging as the stereotypes sound, I certainly will not let it deter me from reaching my goal to become a partner someday.

With that said, after reading the article and watching the video, where I see myself in the future does not change. If anything, these women have made me more hopeful. I understand that this type of work is extremely unpredictable and stressful (i.e., working long hours and traveling at the drop of a hat). One of the women in the video said:

There's a lot of stress that goes with this kind of a lifestyle . . . to be getting on a plane every other day or every couple of days, and flying thousands of miles and running from one meeting to the next and from one language to the next is a strenuous lifestyle . . . and I doubt that everyone would like that.<sup>83</sup>

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83. *Twelve Years Later*, *supra* note 79.

This statement is not something new to me, as many of my corporate/business law professors have made similar remarks to me over the last semester. However, once I realized that this is the path I wanted to pursue, I spoke with my partner to ensure I would have his support. I am lucky to have a partner who pushes me to follow my dreams (not to sound cliché). It is true though, as the video touches on, that to work in a large firm and to be successful you need a partner that will pick up the pieces at home and who understands your work is important.

Ultimately, I think the biggest internal struggle for me going into “Big Law” is putting off starting a family. This is an issue I have brought up time and time again with my family and my partner. They all agreed that they will step in and help me in any way they can. So why is it that, even with a huge support system, I am still on the fence about getting pregnant before I make partner in a large firm? Well, maybe it is because the majority of equity partners are men and as we have read—women’s experiences are almost foreign to men—so how can I expect a group of men to understand that I can give birth and come back just as motivated if not more than I was before my pregnancy? The short answer is—I cannot. In other words, how can a male partner truly believe I can be a mom and a full-time partner if there are such few women who end up doing so? Partly because it was their own choice not to pursue the partnership track and partly because they decided to forgo a large firm or leave after a few years as an associate to achieve a better work/life balance.

## VII. ON BEING A “LADY”

*Students responded to “Be a Lady They Said,” a video created by the magazine Girls. Girls. Girls. The video was circulated widely on social media in February 2020.*<sup>84</sup>

**Sarah Shirkey:** Since I was in high school, I have

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84. Paul McLean, *Be A Lady They Said*, GIRLS. GIRLS. GIRLS. MAG. (Feb. 23, 2020, 7:19 AM), <https://vimeo.com/393253445>; Grace McGettigan, *Watch: This Must-See Video Shows Just How Much Pressure Women Are Under Every Day*, IMAGE (Feb. 24, 2020), [https://www.image.ie/life/video-society-pressure-women-180918?utm\\_source=facebook&utm\\_campaign=article&utm\\_medium=web](https://www.image.ie/life/video-society-pressure-women-180918?utm_source=facebook&utm_campaign=article&utm_medium=web).

religiously had my nails done every two to three weeks. In some ways this is a way that I help myself feel more put together and capable of tackling my week ahead. In other ways though, I think I have been conditioned to correlate unmanicured nails as “gross” or even “manly.” The same can go for getting your hair colored. Although I do not dye my hair, my sister is a naturally dark brunette who has been a blonde since she was fourteen. Hair coloring is a costly undertaking and requires her to go to the salon regularly. She has been a blonde for so long that it has developed into her identity (“Abby, you know, the blonde Shirkey sister,” people say when describing her). Like me, she probably has some subconscious belief that being blonde is what she has to do to “look her best” for society, and I make this educated assumption because she posts a selfie each time she colors her hair. These are very low impact examples of how acting “feminine” has affected my life, but the more serious issues, especially those relating to dieting and body image, can be devastating when they affect someone. This is an unfortunate pressure that we have allowed society to develop over time.

**Alexandria DeCola:** I am constantly getting my nails done. I also hate the look of my nails when they do not have color on them and will even look at pictures to make sure my nails look the way I want them to. It is something so simple, but something that is now such a part of me that I feel “naked” without having my nails done. This is definitely a small example of the pressure to be feminine. Along with getting your nails done, when women get engaged, they need to also have perfect nails; if they do not, that is all that people will focus on. This is just another way women have this pressure to be feminine and always look put together.

**Ophelia Tommy:** I feel this way about getting my eyebrows done. Whenever they grow out, I feel so “untamed,” but as soon as I get them done, I feel like a brand-new person. Dare I say it, I feel *more* feminine. It is so interesting to think that educated individuals, who are aware of these societal standards, also impose them on themselves. I never looked at it this way before; we are essentially a contributing factor to the problem. I just thought that I looked more put together or more “neat” when I got my eyebrows done.

**Sylvia Vcherashansky:** Society has unrealistic expectations for women. The video illustrates that no matter

what a woman does, she will always be criticized for not being enough of a “lady.” Like most women, I have heard many of these statements in the video before, from both men and women. I think most people make these comments without thinking about the effects that it will have on women, especially a young teenager or even a young adult. Personally, I know a few people who have eating disorders because of these expectations to be “beautiful,” and I wish they could see that there is no one definition of “beautiful,” and that they do not have to conform to certain expectations to please society and thus themselves. This video relates to Martha Chamallas’s double-bind<sup>85</sup> and Chimamanda Achidie’s discussion of the impact of gendered expectations on women.<sup>86</sup> I think most women either subconsciously or consciously try to conform to some of these standards just because most women have grown up with these expectations of what it means to be “beautiful” and to be a “lady.” I love treating myself to some “self-care” by getting my nails done, facials, my hair done, etc. I do not believe that it is bad for women to care about their appearances. However, I think most women face harsher criticism about their appearance than men do.

**Victoria Piekarz:** All of my self-care and beauty habits have been chosen by me because they are things I like to do or things that make me feel good, both mentally and physically. What is wrong with that?!

I think when this discussion comes up, people tend to argue that actions such as getting our eyebrows and nails done are always conforming to “beauty standards.” I have always felt that it gives the impression that the only way to fight back against this is to do the complete opposite, such as stop shaving our legs, begin growing out our eyebrows, etc.

Why does it need to be one extreme or the other for every single woman? There are hundreds of ways for individuals to practice “self-care” in ways that suit both their wants and needs. We all learn and practice what works for us and what we like, and it is completely different for everybody. For some people, it is doing absolutely nothing, while others have meticulous and substantial routines and habits. We should find peace in the fact

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85. CHAMALLAS, *supra* note 5.

86. Adichie, *supra* note 33.

that some people are on one end of the spectrum, some are on the other, and plenty of people are in various places in between. I stated it earlier in this discussion, but I think it is important to state again: if you are happy, comfortable, and confident, then I see no problem with doing what you want to do, whether it is wearing heels on a daily basis or not.

This is a pretty optimistic outlook, but I do think that we still have some work to do. Society is slowly loosening up such stringent ideas of “beauty” and becoming more accepting of our differences and personal preferences. It is 2020. There is no right or wrong!

I put a conscious effort toward the way I look most days—including hair, nails, and clothes. This might be a controversial point to make, but personally, I do it because I enjoy it and it makes me feel good; it is not because any man or any other woman makes me feel like I need to! If I did not like it, then I certainly would not spend the time or money doing it. Of course, there are also times where I get annoyed or frustrated at how much money I have to spend on these things, or how much time it sometimes takes me to get ready, or even when I do not look as “good” as I want to. But again, I would not do it if I did not want to. And I would like to make it known that I am confident and satisfied with who I am even without these things. At the end of the day, I know that they are trivial and unnecessary, but also things that make me happy and are a part of my personality, and I am okay with that! Unfortunately, there are other women out there who feel like these things *are* completely necessary and the only way to be confident in themselves, and this is the problem.

As women, men, and everything in between, we should all be happy and confident with who we are without anyone’s opinions being an influence on us. Most of us know that makeup, heels, and various beauty treatments are not necessary, and nobody should feel like they have to have any of these things just to fit into a mold. If we all just do what makes us happy and confident, then the world would be a better place. In order to get there, we need to stop putting others down and being critical of minor details that, although might be important to ourselves, are not important to other people.

**Megan Carbia:** I have heard “be a lady” so many times throughout my life! I think these ideas are definitely enforced

by both men and women. I remember that while I was growing up, my dad would always say not to curse because it was not “ladylike.” I have also heard from my mother growing up that I needed to make sure I dressed “like a lady,” instead of wearing sweats and sneakers to school. I think these socially constructed ideas on how to “be a lady” have become a natural expectation of many women. I always hated when people would say something is not “ladylike,” or that I need to make sure I act “like a lady.”

I know one of the toughest things I struggled with growing up was how my body looked. I would always hear both men and women say that “boys like when girls dress like this,” or “boys like when girls look and act like this.” Society forms such impossible expectations of what a “lady” looks like, that it causes so many women to stress and destroy themselves in order to fit this standard of being a lady. I believe that both men and women have these set expectations of what a lady or a man should look and act like, and if a person does not fit within those standards, then they are often judged by others. However, I also agree with Ophelia that I do not think these standards are often used with malice.

**Erika Panzarino:** There is this horrendous narrative lately, especially in middle and high school, that you have to “give everyone a chance.” I do not know if anyone saw an older article floating around this week about a school saying that students were not allowed to turn down someone who asked them to dance. So, we have to teach (mostly girls) that they have to consent to something they might not want to do to spare boys’ feelings? No! Teaching consent and autonomy for young girls matters more than boys being upset about being told no. Except when boys get told no, from my experience, they can become aggressive. So, girls need to give up their autonomy as a matter of public policy? Hard pass on that dystopian narrative.

But at the same time, those are my thoughts on the matter in a soapbox sense of the word. If I am on a dating app and chatting with someone and am just not feeling it, I have to go through the mental gymnastics of how to let them down so that they do not start word vomiting vitriol at me, or worse, transition into cyber-stalking me. If I have had a few conversations with them and it suddenly turns, it is even scarier because in the course of normal getting to know someone conversation, I have probably given out enough details of my life

that someone hyper-fixated on it could figure out where I study, work, or even live. So, I cannot say yes to someone who is giving me creepy vibes, but I also cannot exactly say no. I wind up lying about how it is “me” or I am “just so busy right now and I would want to give you all my attention,” or some other sort of flattery just to let them down easy, even if my reasons for doing so is that their conversation gave off a dozen red flags of being an abuser or misogynist. It is not worth my safety to save my pride.

The issue with how girls get “dress coded” is similar to the narrative about having to say “yes” to a date. Both force girls to adapt to accommodate these “uncontrollable” boys rather than holding boys to a reasonable standard of accountability. Boys must understand that clothing does not equal consent; compulsory consent perpetuates the narrative that girls need to adapt to accommodate boys.

**Komali Yaskhi:** For a lot of women of color in Western societies, hairiness/hairlessness is a choice dictated by race as much, if not more, as by gender. I remember a few years ago, when colorful armpit hair was trending, many celebrities used it as a style statement. I thought about being bullied for growing armpit hair earlier than a lot of my peers and how that was an early source of shame for me and so many other similarly situated people. I have often wondered what it might have been like if I had come of age in the early 1990s/2000s when super thin eyebrows were all the rage, whether I would have felt pressured into plucking mine. My eyebrows are easily my most complimented physical feature, usually by women who say they envy how thick and dark my brows are, but that same thick, dark hair grows all over my entire body, and it is never complimented.

When I found out I have PCOS, my first thought was, “Ugh, now I will conform even less to traditional beauty ideals,” because most of the side effects and symptoms of PCOS happen to offend universal markers of femininity; it causes hair loss on the head, but hirsutism everywhere else, weight gain, hormonal acne, etc. Traditional femininity glorifies thick, luscious hair with minimal body hair, a slim figure, clear skin, and the like. While I agree that it is often women who notice and point out when other women do not conform to societal notions of femininity, I think it is a much larger issue, and race is a huge factor in how people’s physical appearances are policed.

Women of color often face pressure to conform to white standards of beauty, as well as their own ethnic/racial standards of beauty, which sometimes contradict each other. Some cultures esteem fair skin, while other cultures prefer tanned skin. I do not think white people particularly care if a woman's ears are pierced, but my eighty-something-year-old Indian grandmother notices through FaceTime(!), anytime I am not wearing earrings and says that it is manly. I also think there is a more archaic/conservative idea in the West that piercings are sort of rebellious, but in India, any type of body jewelry is seen as feminine and delicate, and even as a sign of wealth. As an Indian woman living in the West, I often feel pressure to conform to both white and Indian standards of femininity, and I feel minimal solidarity in trying to defy either of those norms.

**Sagar Yadav:** As a brown man, I understand the cultural differences that Komali mentioned. I also recognize that, as a woman, her struggle is different. I have come across people who compliment Indian people on their hair, but these same people would then belittle us calling us "hairy." The hair is only seen as beautiful when it matches their standards. After watching this video and reading your post, I cannot help but note that even within our community, men belittle women for the same thing. And on behalf of men, we need to be aware of this. We need to do better.

**Katherine Henderson:** Personally, I have experienced this kind of mentality at work and among friends and family in instances when I am not wearing makeup (which I do not often do these days). I cannot tell you how many times I have been told "you look really tired" or "you look off today, is everything okay?" When I explain that I am just not wearing makeup, the reaction is "oh, okay, that makes sense." It is frankly insulting because this is literally what my face looks like, and also one of my biggest pet peeves because 1) I am always tired; you don't need to tell me I look tired, and 2) obviously I'm not wearing makeup and you know it, so why point it out? There is so much pressure on women, from both men and other women, to look pretty and presentable at all times, and it is unreasonable and unrealistic.

As many others in this thread have pointed out, it is nice to feel "feminine" sometimes by getting your eyebrows or nails done or getting dressed up. However, the snide, underhanded

comments like “you look really tired” just make women feel more insecure and pressured to look a certain way all the time.

It is evident in fashion magazines and clickbait. Women are told that there are magic pills and creams to make wrinkles and under-eye bags disappear, and painful procedures to remove body hair. I often wonder if I shave because I do not like the feeling of hairy legs in my jeans (as I tell myself), or if it is really because I have been conditioned to believe that body hair on women is gross and unacceptable. If I wear makeup sometimes, I wonder if I do it because *I like* the way I look, or if my feelings are the result of subconscious conditioning of society’s “be a lady” mentality. It begs the pressing question: are these decisions I make on a daily basis really the product of my own choice? Or are my decisions just a product of the societal badgering all women face to always look pretty? How do other women feel about this?

**Daniella Presser:** We are all somewhat guilty of allowing society to govern the way we eat/dress/present/talk/think. Why are you (society) defining my femininity? Let me get this straight, so if I look “sexy” (which is 100% relative) on the train and a man “gooses” me, that is my fault because they cannot control themselves and I am asking for it? This actually happened to a friend of mine, and she immediately called her husband to tell him what happened and guess what he said? He asked her what she was wearing and when she told him he said, “Oh, that skirt?” and then proceeded to tell her that it was her fault for having a nice bottom and choosing to flaunt it in that skirt. They are still married, and he has opened his mind a bit, but I will never forget that story. If anyone ever proceeds to lay a hand on me with the excuse that they could not control themselves because I “looked too sexy,” I will immediately respond with a *shuff-shuff*<sup>87</sup> and a sucker punch to the face. I will define what it means to “be a lady” for myself, and that is

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87. See, e.g., DARREN LEVINE & JOHN WHITMAN, COMPLETE KRAV MAGA: THE ULTIMATE GUIDE TO OVER 250 SELF-DEFENSE AND COMBATIVE TECHNIQUES (2d ed. 2016). Krav Maga is a form of mixed martial arts invented by Israelis. Krav Maga is tactical street fighting for practical use in real-life situations and includes some Russian and Japanese techniques. See generally *History*, MMAKRAVMAGA, <https://www.mmakravmaga.com/about-us/history> (last visited Dec. 15, 2020). A “shuff-shuff” is a quick snap-kick to the groin and is often the first step in many Krav Maga procedures.

what I will adhere to.

It seems that women can almost “never win.” Women are always either too much or too little of something. The whole video is one big contradiction, and I think that is exactly how society treats women.

**Drew Wares:** As a male, I think men are certainly in a similar position in terms of “masculinity.” However, I think it is obvious that women are subjected to these contradictions much more often and intensely. The biggest idea that comes to my mind is that men are not supposed to be emotional. It is frowned upon to show emotion or cry. I think a good example to turn to is athletes who have cried on television after an emotional defeat. There is always controversy and clashing opinions on the young adult male athlete that drops to the ground and cries after losing. Some people would argue that it shows how much the athlete “cares,” but then there are those who harshly criticize them for crying because that is not what a man does.

**Vilma Gamarra:** Like so many other people have said before, this video is so powerful. While I think this video covers many issues regarding the standards of beauty many women face today, I agree that this video is not taking into consideration the experiences of women of color and using white women as their baseline. The whole idea of being ladylike is filled with controversies that make it difficult for women, and especially young girls, to feel comfortable in their bodies without being judged. I remember many of my family members telling me I was not allowed to run around with my brothers because that was not ladylike. My aunts also placed my female cousin and me in an etiquette class, but let my brothers choose other classes to take. Behaving politely was seen as a feminine quality. Again, while men said comments like this, I was also led by example. My aunts were the ones who told me it was important for us to learn etiquette, so my cousin and I followed her guidance.

What really stuck out to me from this video was the phrase “you’re not like other girls.” I feel like I hear this all the time, especially in movies and television shows. Being different than “other girls” is seen as a positive quality—that you are better in some way. This seems more like an insult. What qualities about other girls are not seen as positive or valuable? I have also seen it means that said woman is not buying into societal standards.

Still, this criticizes women for following any beauty standards or stereotypical gender norms. Society treats women as not being enough or being too much, thus making this elusive idea of the “perfect woman.”

### VIII. THE GLASS CEILING

*Students watched a speech by Angela Davis called “Revolution Today.”<sup>88</sup> Professor Davis was a member of the Black Panthers and the Communist Party in the 1960s.<sup>89</sup> They also read a news article about the origins and meanings of the phrase “glass ceiling.”<sup>90</sup>*

**Kerri Krippel:** I agree that society should keep encouraging women to break the “glass ceiling.” If more women are breaking the “glass ceiling,” it will encourage others to do so as well. I know I always have the mentality of, “if they could do it, so can I.” Also, I believe the more that younger girls see more powerful women, the more they will have big dreams to one day be in those positions. The dream job of my cousin, who is nine years old, is to have her own marine biology lab. This dream is much more ambitious than what I wanted to do when I was nine. If more women are striving for positions in a “male-dominated” workplace, there could be fewer barriers for women in the future.

The fact that the Yankees hired their first female hitting coach<sup>91</sup> is a huge accomplishment for women breaking barriers. Most males, I think, feel as though women should not have a place in baseball because it is a male sport. The only female equivalent is softball, which is not nearly the same as Major

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88. Angela Davis, *Revolution Today*, CENTRE DE CULTURA CONTEMPORÀNIA DE BARCELONA (Oct. 9, 2017), <https://www.cccb.org/en/multimedia/videos/angela-davis/227656>.

89. *Id.*

90. Jone Johnson Lewis, *The Glass Ceiling and Women’s History: An Invisible Barrier to Success*, THOUGHTCO. (Aug. 18, 2019), <https://www.thoughtco.com/glass-ceiling-for-women-definition-3530823>.

91. Lindsay Berra, *The Yankees Hired a Hitting Coach. Her Name is Rachel.*, N.Y. TIMES (Nov. 22, 2019), <https://www.nytimes.com/2019/11/22/sports/baseball/yankees-woman-coach-hitting.html>.

League Baseball.<sup>92</sup> This should encourage women to never give up and to not allow male-dominated areas to discourage them from success in that field.

**Vanessa Neal:** The most obvious barrier most women face in breaking the glass ceiling is motherhood. As we have mentioned in previous posts, for many women, the first few years of their children's lives leaves them with limited options in terms of advancing their careers. Besides this obvious barrier, there are some less apparent internal barriers women face that their male counterparts do not face. From a young age, most girls are petrified of failure, while boys are encouraged to try new things and bounce around regardless of their skill sets. Boys are raised with the notion that fifty "no's" and one "yes" is still a "yes" and are more confident than young girls, a trend that continues into adult life. Girls are constantly encouraged to worry about their self-image and make sure everyone accepts them. Girls are trained to be people-pleasers and to not speak out of turn, while boys are encouraged to speak up and be more assertive. To change society, we must change how we treat our children. Girls should be told from a young age that they can do anything just as well as their male friends.

**Victoria Piekarz:** There are many reasons why women do not run for Congress, the topic of my paper for this class, but it mostly boils down to a few general ideas: (1) "from an early age, girls and boys internalize society's expectations, including the assumption that men, more than women, are qualified for politics and elections,"<sup>93</sup> (2) they are not recruited or encouraged to run nearly as much as men are,<sup>94</sup> and (3) they are less likely to run if they have young children (many women who do run typically do not have demanding family responsibilities).<sup>95</sup>

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92. See Kelsey McKinney, *When Will the Women of Professional Softball Get the Attention They Deserve?*, SPLINTER (Sept. 5, 2016, 7:00 PM), <https://splinternews.com/when-will-the-women-of-professional-softball-get-the-at-1793861662>.

93. Kira Sanbonmatsu, *Women's Underrepresentation in the U.S. Congress*, 149 DÆDALUS 40, 43 (2020).

94. See, e.g., Jennifer L. Lawless & Richard L. Fox, *Men Rule: The Continued Under-Representation of Women in U.S. Politics*, 2012 WOMEN & POL. INST. 1.

95. See, e.g., Kira Sanbonmatsu, *Women's Pathways to America's State Legislatures*, SCHOLARS STRATEGY NETWORK,

Statistics show that when women do run, they actually win at rates equal to men and sometimes at even greater rates!<sup>96</sup> I think this is pretty interesting because it shows that women are actually qualified and very capable of filling such demanding and important roles, but there truly are numerous barriers (both physical and mental) that often deter them.

**Jessica Adlam:** Women often face a “glass ceiling” in the workplace, especially in corporate positions. One of the major barriers that women face in developing their careers is men not thinking they are able to complete the task. This happens often, and women are forced to overcompensate to show males in the field that they are capable of doing the work. This aligns with MacKinnon’s theory that women are subordinated to men based on their gender.<sup>97</sup> In addition to this, motherhood is another major challenge to breaking the “glass ceiling” because this requires women to take time off and miss out on potential opportunities. Male bosses also have negative views of women because they feel as though children will distract them from their other duties. The fields where women face the most pressure are in medicine, law, politics, and other corporate positions.<sup>98</sup> These fields are highly male-dominated, and it can feel like a daunting task for a woman to step into the field. When more women join these fields, and more open discussions regarding the realities of the “glass ceiling” ensue, more women will be able to take their places in these roles. I think one of the best ways to encourage other women to break the “glass ceiling” is by women supporting each other. Women in high-level positions should seek out qualified females to fill the position. In addition to this, it is important as women that we are not overly harsh on each other. Sometimes, in the working field, women in high-level positions give other women a harder time

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[https://scholars.org/sites/scholars/files/ssn\\_key\\_findings\\_sanbonmatsu\\_on\\_women\\_in\\_legislatures\\_1.pdf](https://scholars.org/sites/scholars/files/ssn_key_findings_sanbonmatsu_on_women_in_legislatures_1.pdf) (last visited Oct. 17, 2020).

96. See, e.g., Kelly Dittmar, *Candidates Matter: Gender Differences in Election 2016*, CTR. AM. WOMEN & POL. (Feb. 14, 2017), [https://cawp.rutgers.edu/sites/default/files/resources/closer\\_look\\_candidates\\_matter\\_2.14.17.pdf](https://cawp.rutgers.edu/sites/default/files/resources/closer_look_candidates_matter_2.14.17.pdf).

97. See sources cited *supra* note 9.

98. Claire Cain Miller, *As Women Take Over a Male-Dominated Field, the Pay Drops*, N.Y. TIMES (Mar. 18, 2016), <https://www.nytimes.com/2016/03/20/upshot/as-women-take-over-a-male-dominated-field-the-pay-drops.html>.

because they feel as though they should be working harder.

**Drew Wares:** It is unfortunate that many women face “glass ceilings” in their field of employment. In my opinion, management positions and C-suite positions should be filled by the most qualified candidate, male or female. I think, from a common-sense position, it makes no sense at all to set a “glass ceiling” for women. Taking it one step further, I believe it makes even less sense from a business perspective. Just think of all the potential revenue and potential growth companies lose out on in situations where they fill a C-suite or management position with a less qualified man, rather than a more qualified woman. Think about all the potential innovation that could have been if a woman had the opportunity to make important decisions for these companies instead of a man.

I think the best way to encourage women to break the “glass ceiling” in potential job opportunities is to encourage women to keep striving to work their way up the ladder. Encourage the women around you. No position is out of their reach. The “glass ceiling” is not going to be easy to break through. I think it goes without saying that there will be a lot of failure and a lot of women who will be shut out. However, once women give up and become afraid to break the “glass ceiling,” that “glass ceiling” is simply going to become reinforced.

I certainly do not want to oversimplify this, but I also think the best way for women to break the “glass ceiling” is by the success of women who have managed to break through already. As I mentioned earlier in my post, corporations should be making decisions that are best for their investors. By noticing the success of other women in C-suite positions, hopefully that would shatter the “glass ceiling” for more and more women.

**Rachel D’Ambrosio:** I was scrolling through Twitter the other night and came across a tweet that said: “The wage gap isn’t real. Men just tend to go for higher paying jobs, like doctor, engineer, and CEO. Whereas women go for lower paying jobs like female doctor, female engineer, and female CEO.”<sup>99</sup> This tweet and the comments to it stuck with me. Many men

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99. See, e.g., brownmagician, *One Explanation for the Gender Wage Gap Is that Men Typically Gravitate Towards Higher Paying Jobs like Doctor, Engineer, CEO*, REDDIT (Sep. 10, 2016, 9:19 PM), [https://www.reddit.com/r/Jokes/comments/52324u/one\\_explanation\\_for\\_the\\_gender\\_wage\\_gap\\_is\\_that/](https://www.reddit.com/r/Jokes/comments/52324u/one_explanation_for_the_gender_wage_gap_is_that/).

commented that women choose this lifestyle and that it is their fault that they are stuck. At first, I was angry and wanted to tweet something in return, but I decided that would not solve anything. So, I began to think: how can we combat this? I completely agree that one of the best ways to break through the barriers we face is to join forces and support each other. How can we fight against others if we are not a united front? Also, I agree that women in high-level positions should seek out qualified females to fill the position and continue to encourage them to apply for promotions, higher paid jobs, etc. We need to not only advocate for ourselves, but also for those who cannot or are afraid to advocate for themselves. This is a long battle that cannot be fixed overnight; however, every step towards change makes a large difference.

#### IX. FEMINISM IN OTHER NATIONS

*Students listened to a TED Talk by Palestinian photographer Laura Boushnak.<sup>100</sup> Ms. Boushnak has traveled to several countries to photograph “brave women schoolgirls, political activists, 60-year-old moms—who are fighting the statistics” of women’s illiteracy.<sup>101</sup>*

**Bernadette Maligranda:** We can utilize the third wave feminist ideas of visibility by sharing personal stories and connecting through tools, such as social media. Based on the TED Talk,<sup>102</sup> my impression is that most young women are told they have one role in life, “domestic wife.” It is a method to belittle and maintain the status quo on how to treat girls and women. However, the storytelling in the video, as well as social media, allows women from different regions to tap into new ideas and challenge their roles within society. When someone sees the world is so expansive with educational opportunities, it can be used as motivation to seek more in life.

Fayza’s story particularly jumped out to me because it

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100. Laura Boushnak, *For These Women, Reading Is a Daring Act*, TED (Oct. 2014), [https://www.ted.com/talks/laura\\_boushnak\\_for\\_these\\_women\\_reading\\_is\\_a\\_daring\\_act](https://www.ted.com/talks/laura_boushnak_for_these_women_reading_is_a_daring_act).

101. *Id.*

102. *See id.*

illustrated another intersecting issue occurring in Arab countries, which is child marriage. Because Fayza was married at eight years old, she had to drop out of school. Fayza's story illustrates the many barriers for women in different regions to access the right to education. Other barriers to access a quality education include harmful stereotyping, gender-based violence, poverty, and an inadequate learning environment. Some resolutions include free education for both early childhood and primary education, with an emphasis on sex education, so that young women have the knowledge and tools for safe-sex practices, and local governments addressing discriminatory curriculum and school regulations.

**Ophelia Tommy:** Growing up in a third world country, my mother placed a big emphasis on education. She constantly reminded me that you can lose everything, from your money, to your loved ones, to your status in society, and so forth; but one thing you can never really lose is your education. She said that no one can take away your knowledge, your wisdom, or your ability of wanting to learn more. Reflecting on this, she was enforcing uncustomary standards on me, which I am now truly thankful for. A lot of my cousins or friends were not given the same advice, and this frustrated me as a child. I was ten years old and these provoking thoughts lingered in my mind. I wondered, "Why must I be the only one revising the entire week's lessons on the weekend?" "Why does she not want me to have my own family?"

Fast forward years later, I was the first person in my family to graduate from college and even attend law school. I think in most impoverished foreign countries, many women do not have the option to choose school. They are basically brainwashed into thinking that they only have one choice and that is starting a family and serving your man (I think Catharine MacKinnon would have a field day with this).<sup>103</sup> Some resolutions that I have in improving education in foreign countries would be to advocate for elimination of educational fees all together and to create educational programs for parents (specifically women) or older people altogether. From my understanding, a lot of foreign countries do not offer educational programs for older people who have not completed lower education programs.

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103. See sources cited *supra* note 9.

**Jessica Adlam:** We are often so focused on first world issues that we tend to forget about women who lack basic necessities, like the ability to read, write, and count. In the United States, we often equate getting an education to mean a bachelor's degree or higher, forgetting that education in other countries may just mean the ability to count money at the market and write one's name. In many places around the world, women experience severe barriers that relate to education, family life, and their roles as mothers. Education often opens the door to a wide variety of other opportunities, such as the ability to gain meaningful employment and succeed in everyday life. It is crazy to think that many women still face child marriages and are not able to even obtain a basic education. The story about the woman who was married at eight years old was particularly troubling. She was caught in a cycle of marriage from eight to fourteen and also had the responsibility of caring for children. When women escape these toxic relationships, they are often unable to find employment due to their low educational level. Education for women has often been used as a tool to further suppress women because it will require them to be dependent on a man for every task. Education is truly a powerful tool that can be used to empower women and help them to lead a better quality of life.

**Leandra Cilindrello:** Although we have our own feminist battles to face here in the United States, the situation women here face is not as severe as other women around the world. We truly do not realize how lucky we are that our problems do not extend to those of basic human rights. At least as women in the United States, we are treated as contributing members of society. But in countries such as Egypt and Yemen, being a woman holds a different role in society.<sup>104</sup> The women presented in the TED Talk<sup>105</sup> do not have access to basic education, which is frightening and, quite frankly, unfair. The region of the world you are born in should not influence whether women will be granted a basic, free education. It is a human rights issue that needs to be addressed all over the world.

Third-wave feminism is exactly what is needed to try to combat these unfair norms for women in other countries. By

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104. See Boushnaq, *supra* note 100.

105. See *id.*

focusing on issues that are more in tune with the world today, third-wave feminists are in a great position to extend feminism to women in a similar position as those presented in the TED Talk.<sup>106</sup> It is no longer a viable option for a woman to be seen as a wife or mother, and nothing else. Women are so much more than that. Access to a basic education is so important for these women to figure out who they want to be. Even if a woman wanted to be nothing more than a mother or wife, she should have the basic education and skills to be able to do those jobs in furtherance of her and her family's well-being.

As women, we must stand up for ourselves. And when I say ourselves, I mean women all over the world. We all share the same underlying feminist notion; we deserve to be treated equally.

**Vilma Gamarra:** Education and knowledge have always served as an advantage. Unfortunately, women face many obstacles to receive education. I agree that the ability to share your experiences, so other women might be empowered to fight for themselves, is a great motivational tool. This shows how feminism creates unity. To remedy socially embedded practices that disadvantage women or take away their rights, I think it is important to, as was said in the video, "question your own convictions."<sup>107</sup> I was trying to deduce the exact moment when I became passionate about women's rights and I could not really pinpoint a time or an exact event. I remembered that even when I was younger, I would be annoyed or confused when I was treated differently because of my gender. For example, being expected to help cook or clean while my brothers played or watched television. I realized that this was probably because my mother would instill her convictions in me when I was not old enough to understand that women were treated as inferior. This led me to feel entitled to be treated as an equal. Empowering women to become entitled to gender equality can now be achieved at a global scale because of social media. Like Laura Boushnak has done through her photography,<sup>108</sup> we can all raise awareness of the violations of women's rights through social media and many other platforms like literature, music, and

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106. *See id.*

107. *Id.*

108. *See id.*

photography.

I agree that lowering or eliminating school fees would also help with getting education to more girls. Poverty plays a large part in the lack of education. Families in poverty not only cannot afford school fees, but they also cannot afford their child not working or helping around the home while the parents work.

**Rachel Rosenblum:** Education is so important and such a freeing institution that the work it can do for many people is stunning. I think the advocacy techniques implemented in the United States to further the discussion on remedying this inhibiting effect, which has been socially embedded within their culture for so long, is first to understand. I have seen many organizations and grass-root efforts to “correct” or help “better” another culture where women seem oppressed. However, I think the first point Americans should be aware of when attempting to transition this movement to the United States is making sure that they are *understanding* the culture, instead of trying to “American-ize” it.

Once the other culture has been adequately understood, whoever is leading the effort should encourage the other culture to find out what type of change they are comfortable with and work within those limits. Change is such a beautiful thing because it happens in different ways for different cultures. What Americans consider a huge change may be unattainable for another culture. Respecting that difference is important. I do agree that it would be beneficial here to “take a page from third-wave feminism,” and encourage storytelling. In a culture that has historically been oppressed, I think it would be helpful and spark change to hear that another woman has been struggling with oppression in the same way.

#### X. FEMINISM FROM A TRANSGENDER PERSPECTIVE

*Students watched a TED Talk by Paula Stone Williams, a transgender woman.*<sup>109</sup> *Ms. Williams previously led a*

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109. Paula Stone Williams, *I've Lived as a Man and a Woman. Here's What I Learned*, TED (Nov. 2017), [https://www.ted.com/talks/paula\\_stone\\_williams\\_i\\_ve\\_lived\\_as\\_a\\_man\\_a\\_woman\\_here\\_s\\_what\\_i\\_learned](https://www.ted.com/talks/paula_stone_williams_i_ve_lived_as_a_man_a_woman_here_s_what_i_learned).

*conservative church group.*<sup>110</sup>

**Erin Davies:** When I worked as a server, men over the age of fifty would often question my knowledge of the menu, whereas women would accept what I told them to be accurate. It made me wonder why the men would call me over to ask a question when they were just going to ask for the menu to find the answer on their own. The male servers did not seem to encounter the same issues. When there was not a set menu, like the beer on tap, I would go over the list of what we had to offer, and they would often make me go back to the bar to double check that we did not have their “favorite IPA.” Only after I told them the bartender did not have their beer were they satisfied. Usually, I would just walk towards the bar, wait a few seconds, and then walk right back. Many of the girls there would do the same, though the male servers encountered this delay less often.

**Victoria Piekarz:** When I was in college, I worked at a women’s yoga/sportswear store. A man was in the store shopping for Christmas gifts for his daughters and/or wife (cannot remember who), and he could not find what he was looking for and asked for my help. The options I was showing him were not to his liking, and he began *explaining to me what a sports bra is!* I was so shocked that all I could say in response was, “Okay.” To this day, I still wish I would have stood up for myself (although it probably would have cost me my job).

I can also recall a few times where I have been at the gym and a man would explain to me how to use equipment or make various suggestions about my form or other workouts I should try. This has not occurred recently, but it was definitely something I experienced when I was in high school/college. At the time, I was a little too docile to make it known that I actually knew what I was doing, and I was not looking for help from a stranger.

Now that I am older and more confident, I would be more

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110. Leonardo Blair, *After More Than 20 Years as Conservative Leader, Paul Williams Comes Out as Transwoman*, CHRISTIAN POST (June 19, 2017), <https://www.christianpost.com/news/after-more-than-20-years-as-conservative-leader-paul-williams-comes-out-as-transwoman.html> (“Paul Williams, who led the conservative church planting organization Orchard Group for 20 years, has publicly come out as a transgender woman named Paula Stone Williams.”).

likely to reject such treatment instead of just saying, “Okay, thanks,” or simply going along with it just to appease them. When I experience anything like this in the future, I will make sure to stand my ground.

**Vilma Gamarra:** I agree with Erin about questioning why women’s perspectives are not sufficient on their own. Credibility of women is such an important issue. Often, women give anecdotes of things that have happened to them and are then questioned instead of believed. Even the people close to you question you or do not believe you. The quote that stuck out to me is, “What do any of us know about the shoes in which we have never walked?”<sup>111</sup> I think this is the main disconnect so many men experience when they do not believe women. Gerber gives a solution when she says her father was doing what he could “to honor the journey of another.”<sup>112</sup> I think that is the minimum we can do. We do not have to understand, but we should give people their right to their story and their journey. I think Angela Harris, the feminist theorist, would point out that these are difficulties women face already, and there are more difficulties when being a woman of color,<sup>113</sup> as Gerber points out. Gerber relates to the experiences of her daughter and daughter-in-law.<sup>114</sup> It is acknowledging these difficulties that takes us a step further in reaching equality.

**Alexandria DeCola:** While watching this video, the part that stood out to me was Dr. Gerber’s experience while on a flight.<sup>115</sup> I fly several times a year. Almost every time I step on an airplane, I have a seating issue where someone thinks I am in their seat or they are in mine. It is honestly such a frustrating thing to fight about because we all have an assigned seat and really do not need to argue about it. As a woman, whenever I have had this type of disagreement with another woman, we are both quick to check our boarding pass and make sure who is

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111. See Williams, *supra* note 109.

112. TEDx Talks, *A Human Rights Response to Commercial Surrogacy*, YOUTUBE (July 15, 2015), <https://www.youtube.com/watch?v=l1VRHwZICr0&feature=youtu.be> [hereinafter *Human Rights Response to Commercial Surrogacy*].

113. See Harris, *supra* note 13.

114. See *Human Rights Response to Commercial Surrogacy*, *supra* note 112.

115. See *id.*

correct and move on very quickly. However, when dealing with men in this situation (especially middle-aged or older men), this debate usually goes on for a few minutes. Women are looked at as inferior, so the man must be correct. Before this video, I never thought of this as a gender thing or really anything. I thought it was just something that happens regularly, but I think that that is where the problem lies. The video does a really nice job of pointing out the differences between living as a man and a woman, especially in ways that I, as a woman, have never even thought of. Now I feel hyper-aware because it really does happen all the time, but as a woman, I guess I have just become used to it.

#### XI. COMMERCIAL SURROGACY

*Students watched a TED Talk by Dr. Paula Gerber, an international expert in human rights law, on the subject of commercial surrogacy.*<sup>116</sup>

**Jessica Adlam:** Looking at surrogacy from the human rights stance was an informative viewpoint. In the case of surrogacy, the best interest of the child standard is not always used to determine how these cases are decided. It was interesting, but not surprising, to learn that the United States is not a member of the treaty regarding human rights of children, which greatly affects how surrogacy is viewed in our country. I also found it interesting that in Australia, children that are the product of egg/sperm donors are able to contact the donor because the country places a strong emphasis on recording this information. Additionally, it was interesting that so many countries ban surrogacy in their countries, while not banning outsourcing of surrogacy to other countries. This creates more complications in regulating surrogacy, which could possibly victimize poor women into carrying the children of their wealthier counterparts. I agree with Dr. Gerber that countries need to create a greater structure to regulate surrogacy so that people will be less likely to go to underdeveloped countries with little surrogacy laws to secure a surrogate. Regarding the case

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116. *See id.*

of *Johnson v. Calvert*,<sup>117</sup> I think the decision was fair. Because the child was biologically the product of the husband and wife, it would make sense that they would obtain custody of the child. In this case, it was clear that there was a surrogacy contract, and based on the legal definition establishing maternity, the wife was considered to be the child's mother.

**Komali Yaskhi:** I think consent is a really important element here. Just as a surrogate mother should have informed consent when choosing to carry another couple's child and in deciding whether that child can have any contact with her in the future, so should sperm and egg donors be able to freely decide whether they intend their donation to be a one-time service in exchange for payment, or an act they carry out with the desire to have a relationship with the child that is eventually born from their genetic material.

If you submit your DNA to one of those websites, you are choosing to connect with people who have also voluntarily submitted their DNA. No one is paying you to do it, and no one is on the registry without consenting to whatever terms and conditions are enforced by the websites.

I think it is interesting that, in Australia, children have, by right, the ability to contact the person who donated genetic material.<sup>118</sup> My initial thought when watching the video was, what if every sperm/egg donor was required to fill out a form with mandatory disclosures about their family health history (both mental and physical health) and any other information that could be vital for someone to know if they were carrying those genes? Suppose they found something out later, like a cancer diagnosis five years after their donation, for example; they could call the clinic/agency and update their file. Then, when any child turns eighteen, they have access to all the files with their health risks and important information, and if the donor consents, maybe the file will include contact information to have a more in-depth or direct conversation with them. There are a lot of hereditary things that I am sure people are curious

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117. *Johnson v. Calvert*, 851 P.2d 776 (Cal. 1993) (decision of California Supreme Court that "parents" of a child are the husband and wife who provided the gametes for the fertilized egg that was implanted into a gestational surrogate).

118. See *Human Rights Response to Commercial Surrogacy*, *supra* note 112.

about and certainly deserve to know, especially if they were not raised by the people that gave them their DNA. But it can be quite invasive to someone who never really considered that a child could one day be born from their donation or never wanted a child, but wanted to help someone else have one, or just wanted the money. And it can be hurtful to the child (now a legal adult) if their biological parent never really thought about them or did not want to start having a relationship with them now. It might also be uncomfortable for the parents who raised this child, that their child now has a new parental figure in their life.

Identity is so hard. Your parents do not always have the answers to everything you wanted to know about who you are and why you are that way. We are shaped by experiences beyond our DNA. It is the whole nature vs. nurture debate. But I understand the anguish that comes from not having closure about your biological parents. It makes me uncomfortable to even suggest that someone should not have the right to contact someone who could unlock every question they have had about their genetic roots, but I am worried that it could be a real deterrent for potential donors. These days, because sites like 23andMe<sup>119</sup> and Ancestry.com<sup>120</sup> are so popular, I think maybe more and more people are willing to connect with parents and siblings and other relatives they have never known. I would hope that both the interests of the child and the privacy interests of the donors are protected and balanced.

**Megan Carbia:** I also found it interesting how, in Australia, children that are the product of donors are able to contact the donor once they turn eighteen, because the country places a strong emphasis on recording this information. I do believe that in many cases, it is important for the child to learn about where they came from and their background. I think it is something that every person has a right to know about because I believe the history/background of a person and where they came from is something that is crucial to how we live, as well as how we choose to raise and teach our children. I feel like without knowing this very large part of your life, it could give the feeling that a person is not whole or that a person does not know entirely

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119. 23ANDME, <https://www.23andme.com/?dr=true> (last visited Sept. 15, 2020).

120. ANCESTRY, <https://www.ancestry.com> (last visited Sept. 15, 2020).

who they are, which can cause various struggles for a person mentally.

On the other hand, I also question this method in Australia. I believe that many donors specifically choose not to have their identity disclosed. I believe that there are many people who are willing to help those who cannot reproduce but who want a baby. However, this help is often associated with the fact that the child will never know who the donor is. I believe that by allowing all children who were born from a donor to contact and track their donors, it could cause people to be less willing to donate in the future. With this particular situation, I am a little torn, and understand both sides of the argument.

**Alexandria DeCola:** Megan, I like how you point out both sides of a child being able to find out who their donor parent is when they reach eighteen. I do see both sides of allowing the child to find out where they are from, while also protecting the identity of the donor if they wish. However, I think I have to side with the child in this matter. I think that they should have a right to know where they come from and learn about their genetic history.

I have known several adopted people who struggled with mental health due to similar issues of not feeling complete because they do not know who their parents are. The people I have known in these situations always went looking for their birth parents and wanted questions answered. This is a little different from surrogacy, but I believe that the children will feel similar and want similar questions answered by their donor parent. I also agree that if we have a system that allows any child of a donor to reach out to them when they turn 18, it will lower the amount of people willing to donate. However, I do not think that this would be a negative thing. I believe that with this extra layer of screening, the people who are willing to donate will be doing it for the right reasons and not just for quick money.

I was watching a show a few years ago that was about a man who was on a search for his sperm donor father after years of struggling with mental health issues. When he finally found his father, his father told him that he only donated his sperm to fuel his drug addiction at the time. This must have been a devastating thing to hear. With a more robust screening system in place in the United States, I believe that situations like this could be changed. This change would protect these children

while weeding out any donors who are not donating for the right reasons.

**Jacqueline Jonczyk:** The media forms our opinions on surrogacy through stories of surrogacy agreements that did not go as planned. I believe that Dr. Gerber's assertion that the media is responsible for giving us our views on surrogacy is an accurate statement. I think this argument can be applied to other situations, such as reproductive technology and drug use in pregnant women. As we saw in our reading this past week, drug use in pregnant women often focuses on crack-cocaine, targeting black women living in poverty, and not enough on methamphetamine and marijuana use during pregnancy.<sup>121</sup> I now wonder how the media plays a role when submitting their news reports to the general public. Are we focused on crack-cocaine because that is what is being told to us over and over?

**Katherine Henderson:** Dr. Paula Gerber's talk, although very informative, was equally as frustrating to listen to. First, the fact that the United States is the only other country besides Somalia to have not ratified the Convention on the Rights of the Child<sup>122</sup> is embarrassing and infuriating. The adoption of ideas such as acting in the child's best interest in any decisions concerning children, and that a child has a right to a nationality and birth certificate, seems to be so obviously correct that I cannot fathom why our country has not, since 1989, been able to ratify this treaty. I feel that regardless of political affiliation or other beliefs, most people would agree that acting in the best interest of the child in any given situation is the proper way to proceed.

On a more positive note, I agree with the way that Dr. Gerber spoke about surrogacy as a whole and how it should be treated in a legal sense. To rebut the argument that surrogacy is the sale of children and, as such, a breach of human rights, Dr. Gerber says that surrogacy is not really about the *sale of children*, rather, it is about paying for services over a period of time.<sup>123</sup> As she said, surrogacy should consider the rights of the children, the rights of the women acting as surrogates, and the

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121. See Roberts, *supra* note 23.

122. See *Human Rights Response to Commercial Surrogacy*, *supra* note 112.

123. See *id.*

rights of the intended parents. In my mind, the rights of the voluntarily participating adults should never exceed the rights and interests of the innocent child.

Regarding the decision in *Johnson v. Calvert*,<sup>124</sup> initially, I want to jump on the bandwagon in favor of the genetic, intended parents. It seems clear that, legally speaking, if there is a surrogacy contract, that contract cannot be breached. However, I also try to put myself in the shoes of the surrogate mother. I have never experienced pregnancy, but I can imagine a mother might develop a strong bond to the child growing inside of her, an emotional attachment that may drive her to be almost incapable of giving up the child when the time comes. I think that the law as it stands is the most just and equitable it can possibly be in surrogacy circumstances, in which human emotion can become such a costly factor.

**Sagar Yadav:** This video opened my eyes to a struggle I did not even know existed. What struck me the most about this video is how surrogacy is being used to harm people in underdeveloped countries. Poor women feel that by renting their wombs, they can make enough money to look after their families. As Dr. Paula Gerber pointed out, this leads to these women being abused. I agree with Dr. Gerber that countries need to regulate surrogacy so that people will be less likely to go to these underdeveloped countries. People will be less likely to exploit these poor women.

What was even more shocking to me was that the United States is not a party to the Convention on the Rights of the Child, even though the principles embodied in the Convention—best interests of the child—is the same standard that applies in family law cases in the United States. I also thought the “identity” part of her speech was interesting. Where we come from, our DNA plays a significant role in how we define ourselves. Those of us who know where we come from will never know what it is like to be one of these children. I agree that these children should have a right to know and to be able to contact their biological parents. They should have the same right that many of us are blessed with at the time of our birth—to know where they come from and from whom they come from.

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124. *Johnson v. Calvert*, 851 P.2d 776 (Cal. 1993).

**Jon Khan:** As explained in this TED Talk<sup>125</sup>, children have a desire to know their nationality and their background, which may lead to psychological issues within the child later on in life, especially with a deep history of contested custody or contested rights to the child in general, not to mention issues that arise within the child due to them potentially feeling “abandoned” later in life. In the context of the surrogate mother, surrogacy seems to exploit her into thinking of the pregnancy as a mere business transaction, with the consideration being payment for the exchange of the child. As we saw in the *Baby M* case,<sup>126</sup> this was almost akin to coercion because the mother’s emotional connection to the child could not reasonably be foreseen before the child was born; the surrogate mother could not 100% knowingly and willingly execute a contractual agreement due to that emotional connection not spawning yet. Post-birth, and assuming that the surrogate mother actually relinquishes custody of the child to a couple, there could be grave psychological effects upon the surrogate mother due to child detachment and the absence of a connection to the baby you just brought into this world.

I personally think there is a lack of research into the psychological effects of surrogacy. This is not to say that all aspects of surrogacy are bad, but I think there should be more informative detailing of the process, the risks, and the potential outcomes if there is a contested custody dispute, among other things.

## XII. MOTHERHOOD

*Students watched “I Do not Want Children: Stop Telling Me I’ll Change My Mind,” a TED Talk by writer Christen Reighter.*<sup>127</sup>

**Jacqueline Jonczyk:** I have to admit that I am at fault for previously questioning one of my good friend’s views on not

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125. See *Human Rights Response to Commercial Surrogacy*, supra note 112.

126. *In re Baby M*, 537 A.2d 1227 (N.J. 1988).

127. Christen Reighter, *I Don’t Want Children – Stop Telling Me I’ll Change My Mind*, TED (Oct. 2016), [https://www.ted.com/talks/christen\\_reighter\\_i\\_don\\_t\\_want\\_children\\_stop\\_telling\\_me\\_i\\_ll\\_change\\_my\\_mind?language=en](https://www.ted.com/talks/christen_reighter_i_don_t_want_children_stop_telling_me_i_ll_change_my_mind?language=en).

wanting to become a mother. I probably sounded like many people in Ms. Reighter's life, telling her that she will change her mind. I am guilty of assuming that women naturally want to become mothers. This entire semester, and especially this video, has really opened my eyes to women's experiences. I am appalled at the way each doctor reacted to Ms. Reighter wanting to receive a tubal ligation. I cannot imagine the emotional toll she endured having to consult so many physicians to allow her the freedom to do what she wanted with her own body. I understand, as medical professionals, they are required to flesh out all the details about any surgery, but to include bias and judgment in that conversation is absolutely unwarranted. This talk also reminded me of Robin West's notion that women are constrained by their biology.<sup>128</sup> Assuming women are meant to be mothers and automatically placing them in that role is failing to consider their own identity and disallowing them to create their own path.

Additionally, I really appreciated Ms. Reighter's statement that whether she bears a child or not, it does not stop her from creating a family if she chooses.<sup>129</sup> There are other avenues, such as adoption. Whether one wants to have a child or not, that is their life decision, and it should never be manipulated by others. I actually admire people who are able to look past societal pressures and go off on their own path. I think I struggle with this sometimes and wonder too much how everyone will view me and think of the decisions I make. Discussions like this make me realize that it is truly so important to follow your heart and do what makes you happy, whether it is having children or getting married the way you want.

**Daniella Presser:** I come from an Orthodox Jewish community where it is common that many of us get married young. Most of my friends are married with children, and there is an underlying stigma that "older singles" opinions on marriage and raising children are less respected than those who are married and/or have children. For this reason, I limit conversations regarding this matter to the "single crowd" and that is why it comes up often with my roommate.

We have several group chats, and in each one there have

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128. See sources cited *supra* note 10.

129. See Reighter, *supra* note 127.

been countless occurrences where someone will mention that they cannot join an outing or event because “their husband will not babysit.” There are other times where they can join, but it has to work around their husbands’ schedule so the husbands can “babysit.” There are many other instances where things will come up in similar context and this common theme emerges: a child is a joint responsibility. It infuriates me that the expectations are so high for women with children, and what infuriates me more is that they do not even recognize that there is an unequal perception because it is so embedded and almost inherent in their daily life and surroundings.

In Jewish culture, having children is a man’s obligation (interesting, right?) and one of the most important obligations he has is to procreate. In ultra-orthodox communities, women are just a “baby factory” and often are not allowed to take birth control or use contraceptives. Technically, they have the choice to have children, but the pressure within their culture takes away a lot of their agency.

**Bhumi Patel:** I was unaware of the pressure of child rearing within the Jewish culture. Thank you, Daniella, for sharing. I found it very interesting that you stated that a man’s obligation is to have children. In some Indian cultures, it is the opposite notion, and women have the obligation to have children. Similarly, it is frowned upon in some Indian cultures to take birth control because of the obligations that society forces on women to continuously have babies.

**Sarah Shirkey:** It seems that procreative pressure on men in Orthodox Jewish culture falls on women still. Men have the obligation to procreate, so women cannot take birth control? It seems outrageous to me. However, I am not surprised that a man’s obligation becomes a woman’s concern. Cultural pressure is astounding in that it can be both empowering to feel the support of a community and also debilitating to have that community “force” you into a choice.

**Daniella Presser:** Sarah, you are absolutely right, but that goes for the majority of the male obligations. I could go on about this topic forever. It is a very complicated subject, but as I said earlier, it is still the woman’s choice whether she wants to even sleep with her husband (with the intention to get pregnant or not) and if she wants to, he *must* sleep with her, but if she does not want to, he is not allowed to do so. The main issue is with

the choice aspect and the cultural pressure as a community. And yeah—it is laws that are male created that govern a woman’s body. So backwards!

**Leandra Cilindrello:** I personally cannot wait to have children, but it is *my* choice to make that determination. The same goes for women who think the opposite. No matter what the choice may be, it is up to the woman to decide.

Women should not have to explain themselves for not wanting children, just like I do not have to explain why I do want them. When a woman says, “I cannot wait to have kids,” no one ever replies with “Why?,” “Are you sure?,” or “It’s just a phase; you’ll change your mind later.” As Ms. Reighter stated,<sup>130</sup> there are so many reasons why women might not want to have children. A big one of these is medical reasons. These women that are asked to explain themselves when they say they do not want to have kids are now forced to either (1) lie, or (2) share their personal medical history with this person. This is extremely unfair, and women should not be put on the spot like that.

A woman’s identity has nothing to do with whether she wants children or not. A great example of this is Cristina Yang from *Grey’s Anatomy*.<sup>131</sup> Cristina was an amazing surgeon who knew that she did not want children from the start. She knew she could not give the child as much attention as she would be giving her career. Cristina Yang wanted to be a surgeon, not a mother, and there is nothing wrong with that. If a man can decide to focus on his career, a woman should be able to do the same. In her TED Talk, Ms. Reighter said:

I believe that a woman’s value should never be determined by whether or not she has a child, because that strips her of her entire identity as an adult unto herself. Women have this amazing ability to create life, but when we say that that is her purpose, that says that her entire existence is

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130. *See id.*

131. *Christina Yang*, FANDOM, [https://greysanatomy.fandom.com/wiki/Cristina\\_Yang](https://greysanatomy.fandom.com/wiki/Cristina_Yang) (last visited Oct. 5, 2020) (describing fictional character Cristina Yang, from the television series *Grey’s Anatomy*, who expressed several times that she did not want to have a child of her own).

a means to an end.<sup>132</sup>

**Victoria Piekarz:** A woman I used to work with had been experiencing health problems for a very long period of time. She was in constant pain, to the point where she would frequently leave work early, if she was even able to come in to work at all. I do not remember exactly what her health problems were, but one way to correct the problem was to get a hysterectomy. She wanted it so badly so that she could finally be relieved of the pain and start to live her life again. Her doctor would not do the procedure for her because he did not want her to lose her ability to have a baby, although she already had four children and made it clear that she did not want any more. She had obviously thought very carefully about what the right choice for her was, but ultimately, that choice was taken from her. I am not sure what ever happened in the future; maybe she did end up getting it, but when I stopped working there, I did not stay in touch with her.

It is surprising to me how difficult it is to get these procedures done. I believe if a woman meets certain requirements (like what she discussed in the video) and is making an educated, informed, and thought-out choice, that should be enough. Even if she ends up regretting it in the future, why is it the doctor's problem to be so worried about? People make plenty of choices they regret in the future (including medical procedures), so why, in the event that a woman ended up regretting this choice, is this much different?

**Mackenzie O'Brien:** The different facets of a woman's identity of course interact with her decision to want/not want children. Our career outside of the home may be demanding in hours and stress, rendering a child not optimal if our partner is unable or unwilling to care for a child. Our health may be such that a child would put us in a position to risk their health and our own. The fact that a woman cannot simply say, "It is dangerous for me to bear children and that is why I do not want a child," is telling on how society views women's bodies as a vessel. Outside of career and health, there are so many other ways in which a woman's identity may be centered around so much more than child-rearing and bearing. A woman may not

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132. Reighter, *supra* note 127.

have enough patience to care for a child, and that is perfectly normal and okay. This desire to not stay up for hours in the night caring for a child should be simple for women to make. Caring for a child is a responsibility like no other and not one to take lightly. A woman may value her sleep, her time with friends, working out, traveling, pets, plants, crafting, or any other activities that she may enjoy. She can decide that a child would not fit into her enjoyments and that is okay. Some women decide that a child would fit in their lives and that is their decision.

**Alec Weissman:** Up until this point, I have not thought about the issue of childbearing as being societally contrived and used to put unfair expectations on women; however, after watching the video it is clear that having children is definitional of womanhood. Placing a burden on women to have children is entirely unjust, as it detracts from bodily autonomy and independence of choice. Women should be able to do whatever they want with their bodies, whether it be having children or not having children, and this is something which society as a whole needs to accept. Men need to help enable this independence, supporting women in whatever choices they decide to make.

Additionally, I think that there are many facets of identity which interact with someone's decision to not have children. One of said variables may be a woman's professional and career goals. For example, I know women who have explicitly delayed having children, or rejected the idea entirely, out of a desire to excel in their work life. Although this way of thinking was not as prevalent only a few decades ago, I think that there is a growing portion of the population who feel that having children comes second to professional desires.

I would also wonder if socioeconomic status plays a part in a woman not wanting to have children. For example, if a woman were living in conditions of poverty or economic uncertainty, there is the chance that she would be less inclined to bring a child into that difficulty. Of course, this factor may not be outcome-determinative in a woman's decision, but there is the chance that women who may not be able to monetarily support a child find themselves not wanting to have children at all.

**Cecilia Bonetti:** One part of the video that stuck out to me was when Christen Reighter spoke about how not having children is deemed selfish. Yet in reality, it is the complete

opposite. She made a great point that she would wake up and realize she had a child she did not really want or was not prepared to care of, and how this would affect the child, their development and well-being, and while she would experience that regret, it was the ultimate impact on the child that she considered. This is such a selfless consideration, yet the narrative surrounding this topic fails to include that. I also found it interesting when she mentioned several reasons for not having children, some of which I never thought about. For example, a situation where a woman would have to stop taking life-saving medications if she became pregnant or passing on a hereditary disease. Honestly, these are two things I never thought about, perhaps because the narrative is so one-sided, and possibly something I would have never thought about had I not watched this video.

I generally appreciated Reighter's choice of words and how her choice of words really flipped the script. For example, when she talked about how she views having children as an extension of womanhood, not the definition,<sup>133</sup> I felt that was extremely powerful because it should be viewed as that—an extension, a possible path, and not a required one or expectation. It was equally powerful when she stated, “women have this amazing ability to create life” and compared it to when people instead say it is “her purpose.”<sup>134</sup> This simple change of words had such a profound effect on me that I hope continued use of such words could change the narrative.

**Alexandra Spinner:** We are taught because of stereotypes and history that we should want the house with the white fence and children running around. Yet, that is not everyone's dream and in fact it is probably not most people's dream. However, that is the standard that so many aspire to reach. Another point that I was shocked about was that one out of five women will not have their own biological child, whether by choice or fate. I think this shocked me because women who do not want children often do not speak about it because they are in the minority and face backlash for speaking the truth. I worked with a woman last summer who was in her late fifties and had no children. She would always tell me that it was the best decision she had ever

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133. *See id.*

134. *See id.*

made and that she never wanted children. She wanted a career. She wanted a certain lifestyle that did not include children. She also told me that many people have questioned her about it, yet she does not regret her decision. When I asked her if she ever felt pressured to have children, she said, yes, all the time, by friends and family. She maintained that it was her decision and that she was not going to let anyone change her mind. I do not think that this makes her selfish at all. Rather, I think that this makes her brave enough to fight for what she wanted and not give up the life she wanted. At the end of the day, it should always be the women's choice to have a child or not; it is their body and life, and they should not be forced into something they do not want to do because it is the societal norm.

I also found Reighter's story about getting her tubes tied<sup>135</sup> extremely interesting and disheartening. She followed every step she needed to legally and, clearly, she had done her research and made up her mind, yet these medical professionals would not allow her to get the procedure she wanted. It just makes me angry because when you compare her experience to that of a man wanting to get a vasectomy, they are almost always allowed to and often not even asked any questions about their intention. Even though vasectomies are reversible and getting your tubes tied is not, there is no stigma around men making this decision. The laws around it are much more relaxed and doctors are more willing. If I had to guess, the doctors probably do not even ask how their wives feel about the procedure, unlike Reighter's experience<sup>136</sup> of asking how her partner would feel, now and in the future, if there were to be a different partner. I think that this is a social stereotype that more people need to learn about because although many women do want to have children, there is absolutely no reason why some should be shamed if they choose not to for legitimate reasons. This TED Talk<sup>137</sup> really opened my eyes to an issue that twenty percent of women face and shows that something needs to be done to remove the stigma that women who do not want children are horrible and selfish people.

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135. *See id.*

136. *See id.*

137. *See id.*

## XIII. CONCLUSION

(Bridget J. Crawford)

From the perspective of someone who teaches feminist legal theory, the online component of the course allows students to take a high degree of ownership for their own learning<sup>138</sup> and to apply theoretical perspectives to topics that they and their classmates have chosen.<sup>139</sup> Students are actively engaged in constructing knowledge, not merely acquiring it.<sup>140</sup> The forums are full of examples of students “doing” feminist legal theory: focusing on women’s experiences,<sup>141</sup> exploring the complexity of “women’s” experiences,<sup>142</sup> investigating male bias,<sup>143</sup> scrutinizing the double binds and double standards that women experience,<sup>144</sup> examining patterns of male dominance,<sup>145</sup> and testing the contours of the meaning of “choice” in gendered lives.<sup>146</sup> The student-directed and student-managed online forums collapse any distinction between theory and practice, theorists and students. This happens in two parallel ways.

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138. See, e.g., Gloria Brown Wright, *Student-Centered Learning in Higher Education*, 23 INT’L J. TEACHING & LEARNING HIGHER EDUC. 92 (2011).

139. See, e.g., Jan Wrenn & Bruce Wrenn, *Enhancing Learning by Integrating Theory and Practice*, 21 INT’L J. TEACHING & LEARNING IN HIGHER EDUC. 258 (2009).

140. In that sense, the online component of the course takes a “constructive” approach to legal education. See, e.g., Thomas M. Duffy & Donald J. Cunningham, *Constructivism: Implications for the Design and Delivery of Instruction*, in HANDBOOK OF RESEARCH FOR EDUCATIONAL COMMUNICATIONS AND TECHNOLOGY 1236 (David H. Jonassen ed., 1996) (explaining the importance of empowering students to learn, instead of to receive passive education).

141. See *supra* Part III (“Menstruation and Law”) and Part IV (“Gender-Based Differences in Moral Reasoning”).

142. See *supra* Part IX (“Feminism in Other Nations”) and Part X (“Feminism from a Transgender Perspective”).

143. See *supra* Part VI (“Gender and the Legal Profession”).

144. See *supra* Part VII (“On Being a ‘Lady’”).

145. See *supra* Part II (“Gender and Success”) and Part V (“Sexual Violence”).

146. See *supra* Part XI (“Commercial Surrogacy”) and Part XII (“Motherhood”). See generally *supra* note 5 and accompanying text (describing the six “opening moves” of feminist legal theory as a discipline, as described by Martha Chamallas).

First, the rich feminist theory material that are the focus of the in-person class meetings inform how students understand the law's reality and potential. Second, the experiences of women and men of all colors with the law—highlighted by a particular video, podcast, or news article—become the filter through which one can test the usefulness of any theory.

Perhaps because online discussion forums are familiar to almost anyone who has spent time on the internet, or because feminist legal theory is such a rich subject matter, the students flourished in this component of the course. I was struck by the students' willingness to share with each other, to amplify each other's voices, to respectfully challenge each other, to push against what we had learned in class, and to steer the group into new and different subject areas. There is only so much material that can be covered in a three-credit class. The online discussion forums allowed small groups of students to tailor the course to their interests.

If the courage, resilience, curiosity, and kindness of my students on display in the discussion forums for this Feminist Legal Theory class are any indication of the future, then I have great hope indeed. At a time when there is such great uncertainty, I am confident that the future of the legal profession is bright. I learned that from my students.