Reading Race
Book Club

You Don’t Look Like a Lawyer
Black Women and Systemic Gendered Racism

with author Tsedale M. Melaku

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Fordham Law School | Hill Faculty Conference Room
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Melaku, Tsedale M. *Excerpt from “You Don’t Look Like a Lawyer: Black Women and Systemic Racism.* (View in document)
Cheryl I. Harris
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Cheryl I. Harris is the Rosalinde and Arthur Gilbert Foundation Chair in Civil Rights and Civil Liberties at UCLA School of Law where she teaches *Constitutional Law, Civil Rights, Employment Discrimination, Critical Race Theory* and *Race Conscious Remedies*.

A graduate of Wellesley College and Northwestern School of Law, Professor Harris began her teaching career in 1990 at Chicago’s Jean-Kent College of Law after working for one of Chicago’s leading criminal defense firms and later serving as a senior legal advisor in the City Attorney’s office as part of the reform administration of Mayor Harold Washington of Chicago. The interconnections between racial theory, civil rights practice, politics, and human rights have been important to her work. She was a key organizer of several major conferences that helped establish a dialogue between U.S. legal scholars and South African lawyers during the development of South Africa’s first democratic constitution. This work played a significant role in the production of her acclaimed and influential article, “Whiteness as Property” (*Harvard Law Review*).

Since joining the UCLA Law faculty in 1998, Professor Harris has continued to produce groundbreaking scholarship in the field of Critical Race Theory, particularly engaging the issue of how racial frames shape our understanding and interpretation of significant events like Hurricane Katrina—(“Whitewashing Race”, in *California Law Review*), admissions policies (“The New Racial Preferences” in *California Law Review*) (with Carbado) and anti-discrimination law (“Reading Ricci: Whitening Discrimination, Race-ing Test Fairness” in *UCLA Law Review*) (with West-Faulcon).

She has also lectured widely on issues of race and equality at leading institutions here and abroad, including in Europe, South Africa, and Australia, and has been a frequent contributor to various media outlets on current events and cases involving race and equality.

Professor Harris has served as a consultant to the MacArthur Foundation and has been on the board of leading academic societies, including the American Studies Association. She has served as faculty director for the Critical Race Studies Program at UCLA Law and School and has been widely recognized as a groundbreaking teacher in the area of civil rights education, receiving the ACLU Foundation of Southern California’s Distinguished Professor Award for Civil Rights Education.

Tanya Katerí Hernández
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Tanya Katerí Hernández, is the Archibald R. Murray Professor of Law at Fordham University School of Law, and Associate Director of Fordham’s Center on Race, Law and Justice. Professor Hernández’s scholarly interest is in the study of comparative race relations and anti-discrimination law, and her work in that area has been published in numerous university law reviews like Cornell, Harvard, N.Y.U., U.C. Berkeley, Yale and in news outlets like the New York Times, among other publications including her books *Racial Subordination in Latin America: The Role of the State, Customary Law and the New Civil Rights Response* (including Spanish and Portuguese translation editions) and *Brill Research Perspectives in Comparative Law: Racial Discrimination*. Her most recent publication is the book *Multiracials and Civil Rights: Mixed-Race Stories of Discrimination*.

Tsedale M. Melaku
Author, *You Don’t Look Like a Lawyer: Black Women and Systemic Gendered Racism*

I am a Sociologist and postdoctoral research fellow at the Institute for Research on the African Diaspora in the Americas & the Caribbean (IRADAC) at The Graduate Center, City University of New York. My research focuses on how race and gender affect advancement in traditionally white institutional spaces, and how white racial of New York and my B.A. in Sociology and Africana Studies from New York University.

Ethiopian born New Yorker, Bronx raised, and Harlem resident. Scholar mama raising two beautiful boys with scholar dad.

To learn more about my research and interests follow me on Twitter @TsedaleMelak
“So many people are walking around the law firm, totally insecure about their abilities to be there, disposition, where they are, if they’re getting enough work, if they’re meeting the mark. Associates in general have that, but the burden or the trouble I think that African American associates also have is, *Do the people think I’m smart enough? Are they looking at my hair funny? Am I dressed the part? Am I not as good? If I don’t get this assignment and someone else got this assignment, are they saying that I’m incompetent? Is it because of the color?* That is very difficult, and so what tends to happen is people start to isolate themselves, and when you’re a person of color and you isolate yourself, it’s a death wish. You might as well throw in the towel because you as a person of color, right or wrong, on behalf of the firm’s culture, have to be able to get past that to get work.”

—Nikoleta, third-year associate

“I think that there’s still enough of a thought that a lawyer looks a certain way. . . . They feel comfortable with you because you fit an image of what they actually think works.”

—Hannah, fifth-year associate

Hannah is a single, thirty-nine-year-old lawyer who currently works as in-house counsel after leaving a top-ranked law firm in a northeastern metropolis. The interview I conducted with her took place in a beautiful
conference room at the office of the firm representing the organization she now works for. The tables have turned, however, and now Hannah is the client.

A fascinating woman, really, Hannah has very sophisticated notions of race, gender, and the workplace. Donning beautiful, dark brown curls with perfectly placed blond streaks, she is often mistaken for Latina because of her light skin tone and fluency in Spanish—which she picked up during various experiences abroad. Make no mistake, however: Hannah clearly and proudly identifies as black—so much so that she questions how non-African American blacks are even able to grasp the complexities of the black experience in America.

Raised by her mother and father in a middle-class neighborhood in southern California, Hannah comes from the highest educational pedigree. She attended private primary schools, received an Ivy League undergraduate degree, and pursued her juris doctorate at one of the three top-tier law schools in the country. She is not only brilliant on paper, but she also simply lights up a room. Her anecdotes depicting her experience as an associate are clear and passionate. Although, by her own admission, Hannah struggles at times with the nature of those experiences, she is firmly convinced that it was absolutely necessary to leave the firm at which she worked in order to be successful in her field.

One of her biggest barriers we discussed was the perception that she did not “fit in” to the role of a lawyer based on her appearance. Like many black professionals across industry (from finance to technology, from law and medicine to the academy), Hannah experienced a debilitating apprehension: We, as people of color, do not look the part of the “typical” lawyer or doctor because we are socially conditioned to view individuals in highly prestigious occupations as white.

Regardless of how hard Hannah worked, how great the quality of her work, or how many compliments her work received from respected clients, it is her conviction that she failed to be viewed as a legitimate attorney. To receive that distinction, it was necessary to do more than conform to corporate aesthetics—which in the end did not seem feasible for her.

In Hannah’s case, as in many, systemic gendered racism continuously worked to undermine her material successes and perceived capabilities in the eyes of white partners in the firm.¹ She could not be anything but herself, of course: a black female lawyer, which conflicted directly with the white racial framing of what a competent lawyer looked like, should, and could in fact be.²
In this chapter, I examine how systemic gendered racism is deeply embedded in professional appearance and how it influences the perception of black female lawyers’ abilities, thus affecting their prospects for advancement. More than any other group, perhaps, the legal judgment of this demographic is inextricably tied to their appearance—the more “ethnic” they appear, the less capable they are perceived by their colleagues. Consequently, pressure to conform to dominant Eurocentric aesthetics is high and demanding, a loaded issue that female lawyers of African descent confront daily in elite law firms, as well as in many other corporate—and even noncorporate—settings. Yet this is not an accident or coincidence but instead is intricately tied to the racialized system created by elite white men that forces marginalized individuals to conform to the dominant white Eurocentric standard and that is constantly reinforced by elite white male agents using the white racial frame.

As alluded to in the epigraph of this chapter, there are potential ramifications of the disproportionate emphasis on difference, as evidenced by a recently publicized incident involving a black physician who attempted to assist a sick passenger on a Delta flight. Yet another example of how black women are not generally perceived as professional, the staff onboard ultimately rejected the physician’s expertise with the simple explanation that she did not “look like a doctor” and that they were “looking for an actual physician,” which of course she was.3

I discuss how the invisible labor clause is enacted through the ways in which black female lawyers are forced to expend more emotional, mental, and physical energy (not to mention time, which detracts from other enterprises) to cope with the pressures associated with maintaining a physical appearance that conforms to white corporate aesthetics. Fashioning one’s hair and dress is an excellent example of how black women are forced to pay an inclusion tax to fit in to the existing cultural frame of elite white men in corporate law firms, yet many women of color remain unable to break through its prohibitive ceiling.4

This chapter extends the discourse on black women professionals’ experiences in corporate environments by focusing on how they are affected by the perceptions of what legal professionals are “supposed to look like” and how black women scramble to conform to this desired image in white institutional spaces, essentially paying the inclusion tax. Moreover, I examine systemic gendered racist notions of beauty, the discourse surrounding black female lawyers’ hair, and how they are confronted with (and often forced to engage in) the seemingly minor yet surprisingly corrosive racial dialogue attached to it.
WHITE CASTLE

Elite corporate law firms are typically white institutional spaces, only accessible to white men. Today this space continues to be predominantly white and male, with white associates and partners comprising approximately 84 percent of the total US lawyer demographic.\(^5\) White partners constitute a whopping 90.79 percent of all partners.\(^6\) As noted in the previous chapter, associates of color are drastically underrepresented in elite corporate law firms, which leads, quite logically, to their underrepresentation in partnership positions.\(^7\)

Fewer black female associates are recruited, and attrition remains highest among black associates, which further reduces both the number of black female lawyers in law firms overall and the pool of potential partners of color.\(^8\) Evidence clearly shows that the path to partnership is curtailed for this demographic by the manifold hurdles I explore in this book, preventing their professional development, limiting their advancement opportunities, and thus leading to such high rates of attrition. By including a nuanced account of black female lawyers’ direct experiences, we are able to fully appreciate the unique intersection of race and gender in this dynamic, illustrating the barriers that prevent their entry to these institutional spaces.

Previous studies on black lawyers in corporate law firms have investigated the subconscious stereotypes and biases that proliferate in these environments and the culture within firms that dictates the schemata of mentoring opportunities, as well as various generalizations that lump racially subordinated associates together rather than assessing individual merit.\(^9\) Such empirical research provides a crucial understanding of the conventional arguments used by firms to justify the small number of black lawyers and its impact on partnership acquisition. Further adding to the complexity of the experience for black women in these firms are gender barriers to advancement. Research asserts that women face much tougher obstacles to achieving overall visibility, developing sponsor relationships, becoming rainmakers, and accessing informal and formal networking opportunities, and they encounter even greater implicit and subtle prejudices.\(^10\)

As indicated by prominent studies, high attrition rates among women of color in corporate environments can be attributed to such factors as the lack of substantive billable work, effective diversity measures, proper training, work–life balance, inclusion in firm culture, and the sentiment that the work they perform is actually valued.\(^11\) These factors combined support and explain recent data results from Vault and Minority Corporate Counsel Association’s 2017 Law Firm Diversity Survey, indicating that US female
lawyers of African descent have the highest attrition rate across all racial and gender categories.12

AMERICAN BEAUTY

In discussing corporate aesthetics, we must first acknowledge that white institutional spaces are created and maintained by elite white men to adhere to Eurocentric beauty standards that out of hand exclude many women of color—particularly black women. The European beauty standard affirms the belief that European features are universally more appealing and desirable.13 Attributes linked to whiteness, such as light skin, thin nose, thin lips, straight hair, and light-colored eyes, are viewed as beautiful, as opposed to features that contrast with or complicate these standards. Black women’s physical differences from white women, ranging from skin color to hair texture to facial features to body type, are pitted against the “normalized beauty standards” of American society.14

Derived directly from this predominant white racial frame of beauty, black women are viewed as inferior to white women, with particular markers, such as hair, triggering this toxic conception of racial inferiority and often lack of femininity.15 Historically, in the United States and elsewhere, dark skin; natural hair (braids, locks, Afros); Afrocentric facial features; and voluptuous or curvaceous body types have been disfavored, where not outright stigmatized or banned. Such systemic gendered racist constructions of beauty and femininity have been tied together to obfuscate the humanity of black women as women, thereby justifying their physical, mental, and emotional abuse; forced exploitative labor; and sexual harassment—or worse—to which they historically have been subjected at the hands of whites.16

This Eurocentric standard of beauty is deeply embedded within the white racial frame, where a definition of beauty is foisted onto all racial groups that do not naturally conform to racial images of whiteness. Because the elite-white-male dominance system controls the social perception for society as a whole, those individuals who do not personify this white beauty standard are categorically deemed as both literally and figuratively unattractive.17 Therefore, black women are often forced to conform to the Eurocentric standard of beauty, which is directly linked to “being professional,” in order to be accepted outwardly in white institutional spaces. They must pay an inclusion tax through the labor and funds needed to conform to this “professional white standard.”
This rejection of individual beauty is also an exploitative mechanism used to keep blacks and other people of color in subordinate positions and to reinforce white privilege and power, thus maintaining racial inequality in white institutional spaces. Obviously, systemic gendered racism hence dictates that black women are negatively affected by these prevailing standards, while white women and their paternalistic counterparts are inordinately advantaged. The payment of the inclusion tax is required of black women, and women of color who are perceived as black share similar experiences conforming.

In historically white spaces, such as law firms, social relations and practices highlight these Eurocentric standards of beauty, which are enforced by white agents and the culture that then develops in such spaces. We see this play out in popular media images of black women, which tend to reflect whitened representations of women of color—lighter skin, straighter hair, and slimmer figures—as beautiful through white markers, reinforcing the universality of the Eurocentric aesthetic. Hair, a significant racial marker, thus symbolizes the inherent inferiority of black women and plays a role in how beauty is mandated in firms and other corporate settings.

As one might expect, these racial projections of beauty can have a deleterious impact on the day-to-day experience of black female lawyers and other black professionals. As Paulette Caldwell, professor of law, argues,

[Black female lawyers] bear the brunt of racist intimidation resulting from western standards of physical beauty. This intimidation begins early in the lives of black female children, continues throughout adulthood, and causes immeasurable psychological injury and dignitary harm. Such intimidation also is a crucial instrument to limit the economic and social position of black women.

Within the past two decades, research concerning black women’s aesthetics in corporate environments has steadily increased, primarily focused on the surprisingly, if not absurdly, incendiary subject of hair. Hair is clearly a distinct physical characteristic often used to determine or assign racial classification; historically, hair has established such explosive identifications as maternity; paternity; and the social, political, and economic factors that attend to them. Because of hair’s physical malleability, blacks must decide whether to keep their hair natural, conform to prevailing white aesthetics, or change their hair in ways that do not reflect the dominant white standard; each choice is potentially problematic, depending on perspective.

For example, the decision to go against the existing social order through certain hair choices tends to create fear and loathing in both whites and
conforming blacks. Studies have shown that black women who don Afrocentric hairstyles suffer negative effects to their economic status. Experimental studies to determine whether particular hairstyles have a negative effect on the perception of a participant’s professionalism reveal that black women who wear Afrocentric (versus Eurocentric) hairstyles are less likely to be hired or promoted than those who do not and are typically viewed as more dominant and less professional. As suggested, some findings even indicate that black evaluators penalize black employees with Afrocentric hairstyles as harshly as or more so than whites. In other words, as critical race scholars Philomena Essed and Joe R. Feagin posit, no demographic is immune to the dominant racial ideology that maintains the status quo—including negative perceptions of black resistance to Eurocentric standards of beauty. For women in particular, systemic gendered racism punishes those who choose to wear their hair in natural styles rather than conform to the white racial frame that inhibits, denigrates, conditions, and controls them.

As alluded to earlier, systemic gendered racism hinders professional development opportunities and obstructs the advancement of black female lawyers in elite corporate law firms through often daily microaggressions. In addition to expending more time and energy, both emotional and mental, in dealing with comments and anxiety about their physical appearance and how it fits in (or doesn’t) to the white cultural frame, black female lawyers face pressures—and more labor and expense—that their white male or female, and even black male, counterparts simply do not face, which further burdens an already-cumbersome path to partnership advancement. Taken in tandem with other factors, the cumulative effect of the stigmas attached to both blackness and femaleness are indispensable keys for understanding the factors that lead to high attrition and low partner rates for black female lawyers.

Throughout the interviews, there were several emerging themes: first among them, as outlined previously, the notion that black female lawyers do not fit the standard image of what a lawyer looks like (reminiscent of the now-infamous “we’re looking for an actual physician” shot heard around the world). Among other things, this preconception results in the inevitable case of mistaken identity that black female lawyers endure, described in detail here. Finally, there is the trope of black female lawyers needing to engage in specious and often offensive hair dialogue with white associates and partners in their firm rather than in conversations that include substantive questions, such as those pertaining to mentorship, billable work, networking, and developing deeper roots in firm culture.
As detailed in the experiences of my participants, it is possible to confirm the belief that, in the case of black female lawyers, race and gender intersect, overlap, and combine in obstructive ways that create significant barriers to their prospects for advancement.

**FITTING IN**

Not only in day-to-day operations but also in the glittering world of elite corporate law overall, appearance is a core component to all phases of recruitment, professional development, and advancement. If the dictum state, “The clothes make the man,” for females at work in this environment—not to mention racially subordinated groups—the notion takes on more complex dimensions. Paying an inclusion tax is necessary to fitting in.

In assessing what an ideal candidate needs in order to gain entry to an elite firm, all participants acknowledged that a standard checklist with “objective” criteria is used by the firm to gauge the fit of a potential candidate. The language for the criteria is significant: The concept of fitness (“fitting in” or being a “good fit,” etc.) is, of course, a determination based on the subjective narrative of the interviewer. What we have, then, as articulated by prominent race theorists, is a form of the “neutrality” or “objectivity” within a color-blind-racist ideology that imposes a white racial frame inherently disadvantaging people of color in institutional spaces.

The use of language to sanitize the dirty work of excluding subordinated racial groups is reflected in the terminology law firms use in their recruiting practices, as well. “Fitting in” (or being a “good fit”) are frequently racially coded phrases to neutralize racist notions of who can occupy white spaces. Prominent legal scholars David B. Wilkins and Mitu G. Gulati discuss the “fitting-in” concept in the recruitment and hiring processes that law firms employ and identify two stages: (1) the visible stage, where standard (meaning unbiased) signals are used to determine the eligibility of a candidate, and (2) the invisible stage, where subjective criteria are used to make the same assessment.

Moreover, as expressed by one participant, there appear to be structural impediments to recruitment built into the hiring process itself. Lydia is a single, thirty-two-year-old third-year associate working at one of the top-ranked law firms in the Northeast. She grew up an only child with black professional parents—a dentist and a school guidance counselor—in a middle-class neighborhood in a Midwestern city. During the interview, she struck me as a very level-headed and calculated individual who thinks care-
fully about the impact of her decisions. Among them is the decision that landed her in law school after working in the business sector and deciding whether to attend business school or obtain a doctorate in economics.

When asked about the recruitment process and how law firms decide whom to hire, Lydia explained,

I think the main thing that firms, what they look for is . . . people who fit in . . . who they think will assimilate well to the culture of the place. . . . The interview process is very bizarre. You’re looking for a lot of things, but it’s really hard to gauge those things, I think, a lot of times in the interview process because they say they want people who are creative, who are team-oriented, who can analyze complex issues well. And so, you try and figure that out in thirty-minute interviews with people.

Because this process is rigorous, high-stakes, and logistically limited in scope, the brevity of the interview leaves a gap often filled by an interviewer’s preconceived notion of the potential candidate’s merits and ability to assimilate into existing firm culture. This factor essentially gives a leg up to candidates who share a cultural frame of reference with the interviewer and sit within the privileged parameters of the white racial frame. Few black females, compared to white males, white females, and even males of color, fall into this category.

Again, I return to Hannah’s illustration:

I think that there’s still enough of a thought that a lawyer looks a certain way. So when you say, “What are the ideal characteristics?” I mean, they’ve just got to look like a lawyer, act like a lawyer, sound like a lawyer. Law school is supposed to teach you to think like a lawyer. . . . What’s interesting is we’re still in a place where culturally people think lawyers—you know the Apple commercials where they got the guy who plays the Mac and the guy who plays the PC? We have concepts of what things look like to us, and we fill that concept. So that’s why the human resources and diversity officer is a black woman. We have things, we think things, we conceptualize something. So there are a lot of smart people. There are a lot of good people. I think the thing that stands out is, when you speak, someone else is willing to listen because otherwise they don’t really know what you’re capable of. So how do you get somebody willing to listen? They feel comfortable with you because you fit an image of what they actually think works.

What Hannah described is how the image of a lawyer is shaped by the white racial frame, which is indicative of its pro-white center and antiblack sub-frame imposed on women and men of color by elite white men, operating
to maintain the white status quo. As Hannah suggested, conforming to an image of what already exists takes added labor, enacted by the invisible labor clause and measured out in emotional, mental, and physical labor expended. This is another example of how the inclusion tax is levied against black women lawyers just to be in white spaces. The time, money, and emotional and mental energy spent trying to conform to accepted images of whiteness is costly to black women.

**BUILT FOR COMFORT**

The question of comfort lingers provocatively behind the issue of assimilation to existing firm culture and cultural practice. As I have discussed, the concept of fitting in, itself a lexical construct of the white racial frame, determines the mechanics of recruitment, professional development, and advancement. Here, I discuss in greater detail the nuances that dictate how this language of assimilation unfolds in material ways in these central arenas.

Again, with respect to the hiring process, the drama of recruitment is fairly simple: It feeds off the performer–audience dynamic. Along with submitting one’s academic or experiential qualifications, the interviewee performs the assumed role of “compatible candidate,” which is intended to give an indication of how she will perform in a given position if hired and as an actor within the firm’s existing culture. The goal of the interviewee is to present herself as someone who can easily fit this mold. Associates of color, particularly black females, may therefore find the interview process difficult because fitting in is often confused with sameness or likeness. Color-blind-racist ideology helps us to understand how this notion of sameness is used to accommodate subtle discriminatory practices within such law firms.

The phenomenon is bolstered by what sociologist Eduardo Bonilla-Silva describes as a naturalization frame, which slyly reinforces the conviction that segregation and racial preferences are not discriminatory toward those who do not fit the preference group—hence, color-blind—but are instead the by-product of a natural socialization process characteristic of all racial groups, like “sticking to” and “most comfortable with.” Although perhaps true to a certain extent, this frame discounts the fact that not all racial groups share the white racial frame’s power, blind privilege, and conviction of its own cultural superiority. Being former targets rather than beneficiaries of the white racial frame’s hegemonic sphere of influence, not all racial groups allow the same concepts to take precedence when filling
the gaps in their knowledge of the other—particularly the same prejudices and preconceived notions of people of color’s incompetence, laziness, and endemic inferiority.

Again, the white racial frame and its ability to normalize discriminatory practices by dressing them up in terminology that conflates the denial of racism and privilege with neutrality perpetuates racial inequality in corporate environments. Thus, we are able to identify how actors of oppression—in this case, elite white males—are able to claim an air of objectivity or neutrality while simultaneously carrying out persistent but subtle discriminatory slights against those who aspire to occupy privileged areas under their restrictive control.

The experiences of black female lawyers and how their accounts reflect the subtle dynamics of the recruitment process in elite firms facilitate how we understand the intersection of race and gender early in one’s legal career. Stereotypes can and do significantly affect—both positively and negatively—how an individual is perceived without even necessitating a tangible or sustained interaction. The color-blind-racist ideology that has proliferated in the post–civil rights era craftily forgoes some of the more overt forms of racial discrimination prevalent throughout US history while producing many of the same effects. The quieter style of color-blind racism allows for the maintenance of white power and discrimination in often subtle ways, one of the most influential of which is through language. Here, the concept of fitting in at the firm might actually be interpreted as “Can this candidate fit into the existing white cultural frame without disrupting it?”

This white racial frame construct typically makes its appearance at the very initial stages of the recruitment process; at the first interview certainly, but even in the review of a résumé, it can be triggered by associations connected with something so innocuous as the racial or ethnic marker of one’s name. Subsequent interviews further develop these perceptions; admission into the firm and interaction with colleagues does not disperse but instead solidifies them. The burden of trying to fit in to the existing white racial frame is clearly on racially subordinated groups. With black professionals, particularly black female lawyers, the question is, How can you reach that goal?

Several participants in my study expressed the conviction that the recruitment process is geared toward hiring specific types of people, suggesting that the so-called objective criteria for hiring does not, however contrary to policy, replace the importance of subjective individual impression. Hannah, the fifth-year associate featured at the beginning of this chapter, had
very strong opinions on the matter: The subjective biases that influence the recruitment process haunt an incoming cohort of associates even through its subsequent efforts at advancement. At her law firm, she asserted, the preferred candidate was clearly a “white male with contacts”:

I think that people get a feeling. It’s about the trust thing. Somebody decides that they think that you’re smart, and somebody decides that they think that they’d like to work with you, and somebody decides that they think that there’s a niche that you fit that they need to fill. A white male with contacts. A white male with the deep Rolodex and a family connection or background. That’s all it is.

As in any relationship, trust figures prominently in the development of connections at elite corporate law firms. Hannah went on to explain that this is reflected in the recruitment process; interviewers tend to have more trust and confidence in those who meet the “traditional” (i.e., hegemonic) cultural image of a lawyer (i.e., white males like them) and are thus able to maintain group privilege in these institutional spaces. In the case of hiring, in other words, it is safe to say that white male candidates have an inherent advantage over black females, as well as other subordinated racial, ethnic, and gender groups. White males are not subjected to paying an inclusion tax like black women. The elite-white-male dominance system operates seamlessly to empower white male candidates.

Furthermore, according to Hannah, this phenomenon can be easily traced to the table at which partnership decisions are made:

Black people who made partner in the days of yore were people who either came with a Rolodex or they had a really specific skill set. I think it’s the concept of people saying, Can you rain make? Can you bring business? It’s the concept of, Do we think you’re somebody who can make a phone call and get deals or get business? What I mean about trust and relationships is, there are white people who make partner who can’t do that, but someone likes them enough to help them do that, who says, “I have enough business to share my business with somebody that I like, who I trust, that makes me look good and I feel good about.”

What she described here is a barrier to success, in this case partnership, attributable to Hannah’s insurmountable status as other—being black and female in a white-male-dominated space. Because elite white men mitigate access to advancement opportunities, she, as well as other racially subordinated candidates, are constantly in the futile position of struggling to fit the square peg of eligibility into the round hole of the white racial frame.
The aforementioned theme of trust falls under the rubric of emotions and narratives that hold concrete benefits for whites’ privilege within that frame. Regardless of merit, this trust and comfort mechanism, developed through a history of domination, rationalizes social structures that subordinate people of color in ways that are so subtle we may not even consider them racially motivated. Hannah, among others, described their influence as “cultural programming.”

Said programming, both conscious and subconscious in nature, not only operates by obscuring opportunities for black female candidates to attempt the uphill battle of assimilation but, as we will see, also has the propensity to lock them into an outrageous systemic gendered struggle for acknowledgment once they even reach the coveted path to advancement implied by a successfully navigated recruitment effort.

**ACKNOWLEDGMENT: THE CHRONIC CASE OF MISTAKEN IDENTITY**

Philomena, a single, twenty-six-year-old third-year associate, works at a reputable law firm in the Northeast. She is the eldest of three siblings raised in a middle-class home in the country’s mid-Atlantic region. Like many respondents, both her parents worked in professional positions and routinely stressed that education as *the* key to success in life and career. A garrulous child who loved the sound of her own voice and a good argument, Philomena did not seriously consider law school, despite early encouragement to become a lawyer, until, as an early graduate from college, she decided to take the LSAT, at which she excelled—she’d found her calling. When discussing how the interview process reflects the given priorities of elite firms, Philomena was clear that, although assimilation (fitting in) seemed to be the criterion she observed most strongly, it was acknowledgment that proved the most consistent barrier to visibility once employed there:

I was in the elevator with X partner, and he thought I was a secretary. That happens all the time. I think it’s little things like that. The head of the firm, whenever he comes here, he sits on this floor, every time he mistakes me for a secretary, every single time, and I’m just kind of like, “Whatever, I’m over it.” . . . It’s little things. Again, I don’t think there’s any maliciousness behind it. I’m sure if I made a point of being like “Hi, I’m an associate in this department” and giving him my whole bio, he’d remember. But I’m not going to do that . . . because, you know, when you see my white male colleague, you do not assume that he is support staff. You just don’t do it.
Theodora, a fourth-year associate of Caribbean descent, was proudly raised in a working-class family with seven siblings, all of whom were instilled with a solid sense of self-worth and equality to others, despite the humble nature of their early circumstances. Also employed by a prestigious northeastern law firm, she describes how the taxing racial slights experienced daily are never overt but subtle enough in nature and couched in just enough ambiguity to avoid the outright charge of racist motivation. In one of many examples, she recounts how just recently a white male counsel identified her via e-mail as “the paralegal” working on a major corporate transaction. An event such as this, she unequivocally interprets the mistake to be based on gender and on race.

Like the perhaps apocryphal but conceivably authentic story of former Time Warner CEO Richard Parson’s case of mistaken identity as support staff at his own board meeting, the white racial frame and its precepts “accidentally” relegate black professionals to subordinate positions within elite organizations and serve as another quietly racist means for asserting the dominance of the white male superstructure. How female lawyers are culturally and socially depicted in the environs of elite corporate law firms directly connotes the ways in which people of color are excluded from professional development by being forced to relentlessly assert the achievements they have already made, let alone their eligibility for opportunities and contacts leading to advancement. The way one looks, one’s ability to adapt to existing firm culture, and the ability to obtain a visible status there are constantly challenged, almost like psychological warfare. Pervasive cultural perceptions about what a lawyer looks like—not you—aligns with the cultural emphasis on difference that reinforces the inviolability of the biases propping up the elite-white-male dominance system.

These incidents pressure the participants to maintain an überprofessional presentation at all times, not only to avoid these awkward interactions, but also to preserve their own sense of dignity and perceived value to the firm on a daily basis. As has been demonstrated, black female lawyers already have to work harder to be seen as professional, which again burdens them in ways that neither their white counterparts nor their superiors experience. The inclusion tax black women are forced to pay to be in white spaces is constant, while they are simultaneously expending emotional, mental, and physical labor maintaining “white professional” standards. Data reflecting this trend’s impact on attrition rates is speculative at best, yet we can reasonably assume that the phenomenon adds significant stress to black female lawyers’ already-cumbersome efforts to clear a space for themselves within the exclusive confines of privileged white institutional spaces. The
incredible labor clause is continuously in effect for black female lawyers attempting to navigate the firm.

As reflected in Philomena’s testimony, the “little things” that point to systemic gendered racism burdens her with the responsibility of dispelling the blatant stereotype that blacks cannot occupy high-status positions within the firm (“I’m sure if I made a point of being like ‘Hi I’m an associate in this department’ and giving him my whole bio, he’d remember”).

While the partner who issued the injury is relieved of accountability and allowed to fall back on the cushion of color-blind-racist ideology, this system, through intentional or unintentional ambiguity, categorizes such slights as “honest mistakes” (“Again I don’t think there’s any maliciousness behind it”) and slyly blames the victim. It burdens her to achieve visibility and to acknowledge a never-quite-adequate representation of self. She must take on the formidable challenge of confronting the white racial frame’s deeply entrenched hegemonic influence on all actors. Philomena continues, “You get tired of feeling like . . . you have to dress like an attorney so you don’t get mistaken for a secretary.”

Rhebekka, a thirty-five-year-old lawyer, who defied the odds and became the first black female partner in the history of her firm, wove a similar narrative:

It’s just this perception that I’m here to tap for your amusement. Or people asking me, “Barack Obama was elected. You must be super happy today.” Just little crazy things that they don’t necessarily view as problematic but that are. Or people asking me about other black women’s hair or somebody on the other end of a negotiation continuing to use the phrase “tar baby.”

Exhaustion, depletion, attrition: a cycle that obstructs invisible black female pioneers in elite professional settings and in advanced insidious ways—before the mirror, by the water cooler, at the conference table—even on planes.

In this chapter, I detail how black women’s professional appearance is linked to their perceived ability and centers on conforming to Eurocentric ideals of beauty, created and upheld by elite white men, that negatively affect these women. I give examples of how black women are forced to pay an inclusion tax to be in elite white spaces and how the invisible labor clause is continuously in effect. Next, I turn to how exclusion works to make black women hypervisible and invisible in white spaces. I posit that black female lawyers’ lack of access to a network of family and friends, sentiments of internal exclusion, and negative assumptions about the circumstances sur-
rounding their presence play a significant role in their inability to advance in the firm. These emerging themes reflect the realities of white racial framing and systemic gendered racism at work within the firm. It further reflects the pervasiveness of the inclusion tax levied against black women in white professional spaces.