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Panes of the Glass Ceiling: Introduction

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PANES OF THE GLASS CEILING: INTRODUCTION

Professor Kerri Lynn Stone*

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Writing Panes of the Glass Ceiling: The Unspoken Beliefs Behind the Law’s Failure to Help Women Achieve Professional Parity and having the opportunity to speak about it and the ideas within it has been an immense privilege. For me, however, attending the 2023 Microsymposium on the book, hosted by the FIU Law Review, and watching renowned scholars convene to write and speak about the ways in which the book has served as a thought impetus for them has been nothing short of staggering. I am now privileged to author the Introduction to this treasure trove of forward-thinking, provocative, and incisive thought pieces that take the premise and fundamentals of the book and launch them to new frontiers. The seven scholars featured in these pages are thought leaders whose insights and ideas have been shaping and will continue to shape law, policy, and scholarship for a significant time. It is the College of Law’s honor to have invited and published their brilliant work. The College of Law was particularly honored to have Florida International University’s Provost, Elizabeth Béjar, deliver a keynote address that derived its power from her personal insights as much as it did from her scholarly and professional thoughts on the issue of workplace inequality.

The premise of and catalyst for the book, for me, is the way in which societally held beliefs that may seem too taboo or imprudent to voice, underlie and even engender so many of the failures of the courts, legislatures, and other bodies, institutions, and individuals that foster workplace inequality. Each chapter of the book posits a typically unvoiced belief,

* Professor of Law, Florida International University. I would like to dedicate my work on this symposium, as I dedicated my book, to my husband, Joshua Stone, and to my children, Dylan Jacob Stone and Marlee Dina Stone. I love them endlessly. Many thanks to my outstanding research assistant, Eric D’Adesky for his excellent assistance.
demonstrates its existence (in one or more forms) across swaths of society or popular culture, and connects it to a failure and a concomitant harm pertaining to the regulation of the workplace, and then tries to quantify and speak to the harm as it foments or perpetuates sex inequality in the workplace. However, as the book mentions, the beliefs set forth are far from an exhaustive list. Further, it is my hope that the book will have applications far beyond its discussion of sex inequality in the workplace and the so-called “glass ceiling.” The book is geared toward serving as a springboard for thought, conversation, and extrapolation. Just as the book uses the imagery of the “glass ceiling,” itself, as a metaphor for a problem that might be translucent or penetrable, like a single pane of glass, but for the fact that it is comprised of layer upon layer of “panes” (or pains) that, in the aggregate, block out the light and form an opaque, nearly impenetrable impediment—or a nearly intractable problem when viewed from all angles and multidimensionally.

Viewed in the aggregate, the problem of sex-based workplace inequality as it persists today comprises many component pieces. These include compensation disparities, cognizable sex-based harassment, bullying, as well as its less explicit and obvious forms that may evade capture by the law, such as the unresolved complexities of seeking to have children while continuing one’s career trajectory, to name a few. The multitude of factors involved make it difficult to take in all at once. It is similarly difficult to know where to begin to dismantle or unravel the morass of sex discrimination in employment. In my legal scholarship, I have consistently striven to hone in on defects, loopholes, and gaps in employment law that have served to perpetuate workplace inequality. My scholarship has always had a bent toward injecting legal realism and interdisciplinary insights from fields like psychology and sociology to inform and adapt the law to render it capacious enough to achieve its ends in the real world. This book was a natural extension of that arc—embedding the legal analysis in the context of the headlines, surveys and statistics, and narratives that gave rise to the defects, loopholes, and gaps; and then tying the failures together by showing their common roots in attitudes and beliefs that no one wants to talk about.

In an effective law classroom, students are encouraged to engage critically with the material, gain exposure to and cultivate informed opinions of doctrines and ideas from along the entire spectrum of thought. Only through exposure to and probing of a great diversity of thought and opinion can students truly emerge as critical thinkers with informed opinions and agile, capable legal minds. This Microsymposium and the searching, probing interrogation of ideas that went on was a great example of this, and the College of Law is grateful to all of the day’s participants who contributed to the rich and provocative discussion, thoughtfully engaging with students,
invited guests, and one another. Many of the topics raised that day have shown up as themes in my classroom, and while the book attempts to grapple with many of the issues raised in it with a “Takeaways” or best practices or suggestions section at the close of each chapter, I am astounded by how many sharp, bold, and innovative steps toward solutions to the problems posed that I have heard from my students, inspired as they were by the day’s presenters to venture into the debates, thought experiments, and line drawing exercises at the forefront of thought on workplace inequality.

At this time, I would like to thank everyone involved in making this Microsymposium possible. First and foremost, I would like to thank Dean Antony Page, who leads the FIU College of Law, and Professor Eric Carpenter and Dean Lisa Davis, who advise the FIU Law Review so ably. We were all honored that FIU Provost Elizabeth Béjar agreed to give and gave such a compelling, thoughtful, and memorable keynote address to start the day. This in-person Microsymposium would not have been possible on the day it was held—January 17, 2023, without the excellent administrative and technical aid of Maggie Wright, Carol Estevez, and Gus Taylor. I also thank my talented colleagues, Dean Jan Osei-Tutu and Professor Taleed El-Sabawi, who each moderated a session of the day with incisive questions. Finally, I am most grateful to FIU Law Review Editor-in-Chief Karla Rivas and her immensely talented editorial staff for their incredible work on this issue; they are the best and hardest working editors anywhere.

The talented scholars and attorneys from all over the United States who presented thoughts and papers in person and via Zoom and made this Microsymposium as inspired and thought provocative as it was, were: Professor Matthew T. Bodie, Professor Rona Kaufman, Litigation Chair Allyson Baker, Professor Marcia L. McCormick, and Professor Jessica L. Roberts. Most of them have pieces published in this issue, along with Professor David C. Yamada and Professor Rachel Arnow-Richman. These are some of the finest and most forward-thinking scholars who write on the important topics of workplace equality, the glass ceiling, and law and society.

The pieces that follow are as cutting-edge and as thoughtful as you can find anywhere. Their approaches are fresh, and their observations are rich. Each of these pieces could, alone, spark several new articles or pieces for seasoned and new scholars alike. The professors who authored them are similarly inspirational and masterful; their ideas are capacious enough to invite and engage meaningfully with disagreement. These pieces are sure to be springboards of their own that will inform and inspire as scholars, students, and society continue to wrestle with the daunting and persistent problem of the workplace and other types of inequality.

In Beyond the Glass Ceiling: Panes of Equity Partnership, Professor Rachel Arnow-Richman focuses sharply on the issue of sex equality in law
firms, with an emphasis on the so-called “Big Law,” or the practice of law at a large, prestigious practice. Specifically, she sets forth what she refers to as three “interrelated observations” that have to do with identifying elite firm partnerships and their compensation practices as arising from and fueling pernicious stereotypes. Ultimately, she posits structural change as the means by which law firms can retract bias and operate in a more equitable manner. Referring to the numerous lawsuits filed recently by women against the law firms for which they work and alleging sex-based pay discrepancies as “Women v. Big Law,” Professor Arnow-Richman makes several astute observations about the litigation, not the least of which is that “as women achieve more” on the law firm ladder of success, “they receive less.”

Professor Arnow-Richman’s insight-fraught unpacking of this phenomenon and all of the protocols underlying it—from the timeworn custom of rewarding “origination” of business at a law firm and how that is usually done, to the ways in which annual assessments are conducted—lays the foundation for her astute conclusions: that the abstract notion of “equal pay as a legal imperative” needs to be concretized in the context of how Big Law operates. This extends to what Big Law rewards, and whether and how it chooses to “interrupt bias.” There is, obviously, much to be gleaned from her insights, as the root causes of the lawsuits she discusses are confronted by those who participate in, regulate, and comment on law firm practice. As Professor Arnow-Richman notes, while most of the “Women v. Big Law” cases wound up settling early in their existence, the suits’ very initiation signified “a serious deviation from the status quo,” and the rapidly-changing data on sex equality in Big Law has indicated the suits’ efficacy and long-range effects and impact.

Professor Matthew T. Bodie most thoughtfully takes on the topic of aggressive means of ensuring the representation of women in certain positions in pockets of power in the financial world in Antidiscrimination Efforts and the Repressive Weight of Culture. As he richly and vividly describes, so many of the women who inhabit the international “party circuit” of the world of elite finance—spheres of influence and networking—are there “to generate important . . . opportunities for bankers, lenders, hedge fund

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2 Id. at 753.
3 See id.
4 Id. at 755.
5 See id. at 757–58.
6 Id. at 758.
managers, financial advisors, and even cosmetic dentists, but the women themselves,” too often seen as “ornamental, . . . were not building future careers in these industries.” His provocative piece offers for the reader’s consideration more aggressive efforts than anti-classification rules have traditionally afforded.

Professor Bodie provides a well-rounded discussion of these aggressive measures, and he offers thoughtful engagement with critics of such efforts, like California’s SB 826, which mandates the placement of women onto the boards of publicly-traded corporations. Such criticisms include the argument that the legal mandate translates into quotas that “not only trammel upon the discretion of boards and shareholders but also unfairly discriminate.” Professor Bodie acknowledges that these critics have found refuge in the federal courts, but maintains that “[m]ore needs to be done to uproot the malevolent network of assumptions, biases, and affinities that choke off change and reinforce the status quo.”

His insights into this ongoing debate are absolutely invaluable as it continues.

In *Shattering Stereotypes*, Professor Stephanie Bornstein reflects brilliantly on *Panes of the Glass Ceiling*, providing highlights and insights that only a seasoned and innovative scholar can furnish. Foremost among these insights is her point, made most saliently, that while the book does not make this point, her view is that the “unspoken beliefs” chronicled in the book have at their root “the most intractable of all gender stereotypes: our long-held belief in the cult of domesticity, that women are suited for the domestic sphere of home and family, and men for the market sphere of work.” Pulling the beliefs together in this manner and contextualizing them in this broader landscape, as she does, is invaluable as society continues to vocalize and confront them.

Professor Bornstein’s characterization of the book’s organization in terms of unspoken beliefs as aiming to “mak[e] sex stereotyping concrete by saying the quiet part out loud and highlighting the specific, detrimental, and unlawful effects of these unspoken beliefs” is spot on. Moreover, her discussion of the book is brilliant and rife with insights and suggestions that will only advance the discourse that the book sets out to further. Specifically,
her addition of the unspoken beliefs surrounding domesticity could easily form the basis of an entirely new course of study or book.

**Feminist Legal Theory and Stone’s Panes of the Glass Ceiling** by Professor Rona Kaufman\(^\text{16}\) is a substantial piece of scholarship that represents a great stride toward the goal of *Panes of the Glass Ceiling*, which is that it be used as a springboard. Using the book as a springboard, teachers and scholars could expand upon it and extrapolate its message. Professor Kaufman situates many of the discussions in the book in the context of feminist theory and connects each of the beliefs in the book to feminist theory.\(^\text{17}\) The grounding of her observations and contributions in the historical and theoretical context from whence they were derived is a very valuable presentation. From intersectional feminist thought to “ethic of care” feminism, to dominance feminism, the piece’s grounding is most comprehensive.\(^\text{18}\) The historical framework that the piece sets forth is fascinating and informative as well, and it spans the course of what has gone on in the space of the drive toward sex equality, from women’s suffrage to actress Alyssa Milano and her contribution to the contemporary #MeToo movement, which got its initiation across online platforms.\(^\text{19}\) Professor Kaufman’s discussion of feminist thought and theory as they align with and place workplace regulation into context is both thorough and thoughtful, and it would make an excellent primer for any class or any student.

Moreover, Professor Kaufman’s painstaking review of each “pane” from the book, placed in its theoretical context, is a tremendous contribution, and the research she sets forth is a very rich resource. Professor Kaufman’s characterization of *Panes of the Glass Ceiling* as a “deconstruction and indictment of the toxic masculinity and seemingly benign social norms that pervade workplace culture and its negative impact on women and equality,” is a brilliant articulation of the book’s aims.\(^\text{20}\) Further, her description of the book’s aim to “break[] the silence and articulate[] the ‘unspoken beliefs’ that constrain American work culture,” is spot-on, as is her depiction of the book as an attempt at a roadmap of sorts.\(^\text{21}\) This roadmap is enhanced and ably built upon by the theoretical layer that the piece puts on so much of its content. This layer helps her reader to contextualize the historical journey that Professor Kaufman takes her reader on—maintaining, for example, the

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\(^\text{17}\) *Id.* at 783–84.

\(^\text{18}\) See *id.* at 775–77, 779–82.

\(^\text{19}\) See *id.* at 790.

\(^\text{20}\) *Id.* at 783.

\(^\text{21}\) See *id.*
consistency and the integrity of the narrative from, as she discusses, the putative “factory girl” to the putative “office girl.”

Of particular interest and value is the way in which Professor Kaufman cements the connection between the history of the women’s equality movement—the phases, headlines, and events that comprise its timeline—and feminist theory—its “waves,” shifting emphases and focus, and theoretical overlays. As Professor Kaufman puts it:

In addition, the women’s movement and the mainstreaming of feminist thought and its impact on employment law cannot be ignored. The various waves of the modern women’s movement were instrumental in breaking down barriers that traditionally kept women out of the workforce and expanded the range of job opportunities that were available to women. The proliferation of feminist thought further instigated the social movement to claim women’s rights including their rights at home, in employment, and to control their own bodies.

Professor Kaufman’s analysis throughout the piece is smart and fresh; she lays the groundwork for a brand-new conversation in the vein of the book.

In Promoting Change in the Face of Retrenchment, Professor Marcia L. McCormick probes further into what she calls the book’s discussion of the “persistence of stereotypes,” and “the way that they frustrate the transformative potential of antidiscrimination law.” Specifically, Professor McCormick sets out to, in her words, address unspoken beliefs “in the context of enforcement of discrimination law,” and to evaluate “the political pushback on education and training designed to reveal those stereotypes.”

Her ensuing critique of the law as it is currently in place posits modalities of the law’s framing and practice to, as she says, “produce a rigid set of rules, frameworks, and heuristics that have been so widely criticized as counter-productive to achieving equality.” She also proceeds to critique attempts to reform education and training that she says inhibit reform that arcs toward greater equality, and to “call for more opportunities to consider relevant cultural practices at play.”

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22 See id. at 792.
23 Id. at 794.
25 Id. at 808.
26 Id.
27 Id.
28 Id. at 808–09.
Professor McCormick’s assessment of the current state of the law is both comprehensive and sharp, and it reads like a well-researched treatise. Her step-by-step, play-by-play walkthrough of the life of a claim and the life of the laws that support claims is incredibly thorough and descriptive. Rife with the deficiencies that can cause the law to arc away from equality, this narrative gives the reader an excellent sense of the state of things. Her critique of caselaw and courts’ often restrictive interpretations of the law is equally incisive. Professor McCormick’s organized collection of various states’ requirements when it comes to training and attempts at education reform is eye-opening and valuable. Her compilation of the cases, dispositions, and legislation that surround and comprise these efforts is comprehensive, and she uses it to build a strong case for her parting entreaty for the law to afford continued opportunities to “reveal[] the invidious ways that stereotypes continue to shape people’s perceptions and behavior.”

The piece is as thought provocative as it is informative.

Professor Jessica L. Roberts provides us with an excellent discussion of the reconceptualization of the glass ceiling as a discussion of privilege in her essay Panes/Pains of Privilege. Professor Roberts provides insightful and deeply personal reflections about the “panes” in the book, as well as an excellent summary of many of the points made in it before she posits that “not every pane lends itself to clear legal solutions.” She correctly points out that attempts at grappling with “panes” with mindfulness and awareness—whether as a plaintiff’s colleague, human resources officer, or judge adjudicating her case, nonetheless “beg the question of what . . . accounting for these realities will mean for the law.” Moreover, Professor Roberts further posits that “even some of the panes that have relatively clear legal and policy solutions,” like the problem of gendered emotional labor being meted out disproportionately to women in the workplace, “will also require extralegal changes.”

Specifically, Professor Roberts suggests that “antidiscrimination law fails women[,] but that is more a symptom of the problem than its cause,” and the “target of Panes of the Glass Ceiling is not employment law and its doctrines[,] but unspoken beliefs,” because of this, Roberts suggests the best way to confront the problematic beliefs, themselves, is to conceptualize “panes as [a] privilege.” Her ensuing discussion of what this reconceptualization will look like is fascinating, and it most definitely

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29 Id. at 832.
31 Id. at 835.
32 Id.
33 Id.
34 Id. at 836.
expounds and expands upon the content of the book. Her invocation of some of the most resonant and influential voices on efforts like these in history only deepens her insightful discussion.

Finally, Professor David C. Yamada sets forth exactly what he promises in his piece, *Four Basic Postulates Concerning Women and Workplace Bullying in the United States.* Although he mentions early on in the piece that he and I “have shared an ongoing interest in the legal and social implications of workplace bullying for some time,” I have actually been inspired and mentored by Professor Yamada in my scholarly sallies on this topic, and my work in this area has always been an attempt to build on the solid ideas and foundation that he has laid out in his scholarship. Here, he sets forth four incredibly intellectually rich postulates that have to do with the glass ceiling and bullying in the contemporary American workplace. As per Professor Yamada, these are as follows:

The first postulate states that women are likely to be disproportionately targeted for workplace bullying, a reality that carries multifaceted implications. The second postulate reminds us that men are disproportionately the perpetrators of workplace bullying, another reality that carries important significance for understanding relational workplace mistreatment. The third postulate suggests that complicated dynamics are in play when women are alleged perpetrators of workplace bullying. Finally, the fourth postulate asserts that the enactment of workplace anti-bullying laws can help to fill some of the legal gaps confronted by women who face both bullying and discriminatory harassment at work.

As the widely-recognized architect of not only the seminal Healthy Workplace Bill—the piece of model legislation that would, if enacted, render status-neutral workplace bullying unlawful—as well as the anti-workplace bullying movement at large, Professor Yamada appropriately crafts his postulates by employing as sources (1) research conducted by the Workplace Bullying Institute; and (2) a set of articles posted to Professor Yamada’s own professional blog, called *Minding the Workplace*—itself a treasure trove of research, insights, and ideas.

All in all, Professor Yamada’s extensive expertise and authority on these matters render his postulates a rich, crisp discussion of the unspoken beliefs that have prevented legislatures nationwide from enacting the Healthy

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36 Id. at 842.
37 Id. at 2.
Workplace Bill. Only Puerto Rico has codified this model act into law.\textsuperscript{38} Hearing from the drafter of the law himself on this issue and on its nexus to societal misconceptions is a unique opportunity, and reading his well-researched and finely drawn points is a pleasure.

I. THE PATH FORWARD: MAJOR TAKEAWAYS

This book, as I have explained while promoting it and at the symposium, was borne of my scholarship that sought to evaluate the regulation of the workplace—from the operations of human resources departments, to the drafting and passage of laws, to courts’ interpretations and enforcement of these laws—and hold this regulation up against the operational realities of the workplace and of the conflict and pathos that goes on within it. In this way, I have sought to see what behaviors, phenomena, and dynamics elude capture by the law and what the effect of this is on the status of workplace equality. While I have long sought to identify the failures of the courts, the legislatures, and of people that contribute to workplace inequality, and, in the case of the glass ceiling, sex inequality, this book was an opportunity to connect these various failures to interdisciplinary research, current events headlines, and popular culture. In this way, readers can understand and start to think about judicial, legislative, and regulatory failures as they connect to societal beliefs that are both long and widely held. They can derive an understanding of these beliefs as they exist, often shrouded, across swaths of society, by their manifestation in society—the narratives, statistics, studies, and headlines that bear out their existence. Then, they can attempt to gauge the harm that flows from these failures, qualitatively and quantitatively, as successive “panes” of the glass ceiling pile up atop one another. Finally, readers can evaluate and think about expanding upon best practices when it comes to confronting and engaging with manifestations of the unspoken beliefs that engender workplace equality.

A major unifying theme of the book, in terms of the chapters’ organization and content, is the fact that the societal beliefs explored are usually left unvoiced, and this is because they are often taboo to speak aloud.\textsuperscript{39} By giving voice to the unspoken things that people think, even if these thoughts may be less than fully formed or conscious, the beliefs can be held up and engaged with directly. It is only because people believe that it is socially taboo or at least professionally unwise to voice something like “Your pregnancy is really inconvenient for our company,” that the beliefs remain

\textsuperscript{38} Law to Prohibit and Prevent Workplace Bullying in Puerto Rico, P.R. LAW 90 (2020).

\textsuperscript{39} KERRI LYNN STONE, PANES OF THE GLASS CEILING: THE UNSPOKEN BELIEFS BEHIND THE LAW’S FAILURE TO HELP WOMEN ACHIEVE PROFESSIONAL PARITY 5 (2022).
uninterrogated and become especially pernicious. Society merely has inflicted upon it, and tolerates, what are, for example, arguably inadequate laws affording leave and other accommodations and protections to pregnant women and parents of younger children. The beliefs can only be interrogated when they are voiced, called out, and connected to the harms and inequality that stem from them.

Another significant aspect of the book is that the unspoken beliefs identified in it comprise a list that is non-exhaustive. In other words, the book is intended to be a springboard for further thought and for further conversation. It is my hope that scholars who study the workplace beyond the glass ceiling for women and other disciplines will be able to make use of the format of the chapters. In this way, they can proceed to identify taboo and unspoken beliefs, prove their existence through their manifestation in society, connect them to specific harms or systemic failures and quantify those harms, and begin to both interrogate the beliefs and figure out ways of stemming the harms at the earliest junctures of the beliefs’ formation and manifestations. For now, I will end with a quick recap of some of the best practices that the book recommends for grappling with and combating the unspoken beliefs that form the panes of the glass ceiling, as well as their various manifestations.

A. Identifying and Questioning Unspoken Beliefs Where They Can Be Detected

Hopefully, a reader of this book will finish it with a heightened awareness of unspoken beliefs and the statements, actions, and attitudes that are outgrowths and outer signs of them. There is tremendous power in simply having a heightened awareness of what they may be lurking behind and what they might look like on the ground. For example, there is power to hearing someone—even someone high profile—proclaim that he would never disrespect his marriage by being seen with a female colleague out to dine alone—even if it is at a professional event—and recognizing that beyond the virtue signaling, there is a belief system at work that says that, on some level, women are somehow the professional (or personal) downfall of men. It may be that the speaker actually fears the temptation that being alone with a woman would create for him, or that he simply doesn’t trust his female colleagues not to be tempted to act unprofessionally with him, or even to falsely accuse him of inappropriate behavior. But this belief comes in many iterations across society. As I discuss in the book, studies bear out the fact that there are many men who trust both themselves and their female

40 Id. at 170–71.
colleagues, but simply believe that they have a legitimate fear of what outside observers will mistakenly think is going on when they spot them at a dinner table with a female colleague or see a woman emerging from a closed-door office meeting in their office. In any event, there is power to understanding what is actually being expressed (in some iteration), and that there is nothing noble about using misguided explanations about “protecting oneself from something like the #Metoo movement backlash or defending their wives’ honor, in order to deprive a female colleague of an opportunity for professional exposure, entrée, or mentoring. There is immense power in simply being aware that an unspoken belief is at work and lurking behind a statement, decision, or action.

B. Questioning Manifestations of Unspoken Beliefs as a Bystander/“Upstander” When You Recognize Them

Another “best” practice is for those committed to workplace equality and those who are attuned to discerning unspoken beliefs at work to question what they are seeing, and perhaps even press the actor/speaker for their reasoning in acting as they are. So, for example, questions like “But what are you actually protecting yourself against by refusing to have closed-door meetings with female associates, when you have them with male associates all of the time?” or “I don’t understand; why is what she said unprofessional when your male colleague made a similar statement or joke last week?” are helpful ways to compel someone to interrogate their own beliefs and the potentially harmful consequences of their actions or statements at the moment. Moreover, such questions draw awareness of what may be going on to the surface and from those present, further sharpening and heightening vigilance and insight in others, and churning the situation to bring light to what is unspoken. To the extent that the unspoken beliefs are adverted to, even in an open question, more harmful statements and behavior—like justifying the exclusion of women from entrée, access, and opportunity by claiming that honor or self-protection is at stake—may become taboo, and this could be a sign of progress.

C. Advocating for Changes to the Law or to Policy at a Systemic Level

To the extent one believes women are uniquely harmed and excluded from professional success by, for example, status-neutral bullying that does not amount to sexual or some other kind of actionable harassment, it

41 Id. at 134.
behooves one to advocate for systemic change. This may mean advocacy for the passage of the Healthy Workplace Act, which would render status-neutral bullying unlawful, in one’s state, or as an attorney, working on or taking an interest in cases that advocate for a more expansive interpretation of Title VII—one that would enable the law to better capture workplace abuse. The key is the awareness of the belief(s) at work and how they show up or become expressed in society or the workplace, and the nexus between the beliefs and their manifestations and the failures and harms that comprise the glass ceiling. Exposing, questioning, and changing this chain from its inception is critical.

II. CONCLUSION

I am beyond grateful for the opportunity afforded to me by the *FIU Law Review* to invite some of the brightest, most inventive and influential minds in the United States today to contribute to the Microsymposium and to this volume. The result, I believe, is an immense wealth of thought, insight, and innovation. Please enjoy these pieces and help us to continue and to advance this very important conversation.