Legal Work and the Glass Cliff: Evidence that Women are Preferentially Selected to Lead Problematic Cases

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LEGAL WORK AND THE GLASS CLIFF: EVIDENCE THAT WOMEN ARE PREFERENTIALLY SELECTED TO LEAD PROBLEMATIC CASES

JULIE S. ASHBY, MICHELLE K. RYAN, AND S. ALEXANDER HASLAM*

ABSTRACT

Recent archival and experimental research by Ryan and Haslam has revealed the phenomenon of the glass cliff whereby women are more likely than men to be appointed to risky or precarious leadership positions in problematic organizational circumstances. This paper extends research on the glass cliff by examining the precariousness of the cases women are assigned in a legal context. An experimental study conducted with law students (N = 114) investigated the appointment of a candidate to lead a legal case that was defined as either low-risk or high-risk. Commensurate with patterns observed in other domains, results indicated that a male candidate was as likely as a female to be selected as lead counsel for a low-risk case but that there was a strong preference for a female rather than a male appointment for a high-risk case. The study also examines the way in which participants’ evaluations of candidates and their perceptions of risk and opportunity related to candidate selection. Implications and directions for future research are discussed.

INTRODUCTION

Despite evidence that women are beginning to break through the glass ceiling (the invisible barrier preventing them from achieving leadership positions),¹ gender equality in organizational life has yet to be achieved. On a positive note, just under half of all women in full-time work in Britain are in managerial, professional, and associate professional jobs.² Indeed, the last fifteen years have seen the number of female executives double.³ Yet in spite of this increase, women

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3. EQUAL OPPORTUNITIES COMM. (EOC), WOMEN AND MEN IN BRITAIN: MANAGEMENT
still only represent thirty-five percent of all professionals and "are less than half as likely as men to work in higher managerial or professional occupations." Moreover, in terms of remuneration, women's hourly earnings remain significantly lower than men's. The picture is much the same in the United States. Although women comprise just over fifty percent of all employees in management, professional, and related positions, they are more likely to occupy lower and middle ranks.

Nonetheless, the fact that cracks are beginning to appear in the glass ceiling has led many researchers to shift their focus from the barriers standing in the way of female leaders to the experience of those women who do manage to achieve leadership positions. This type of research tends to look at the relative dissimilarities (or similarities) between male and female leaders. Here it seems that women leaders are still treated with some scepticism and may face less favorable evaluations than their male counterparts. This bias appears to be especially pronounced for women who violate gender expectations by holding positions that are overtly "masculine" in nature or are held predominately by males, such as a CEO position. For Schein this phenomenon reflects and contributes to a "think manager-think male" bias, whereby males, by virtue of their gender, are perceived as more likely than women to have the characteristics associated with managerial success.

2. EOC, supra note 2.
4. Id.
7. Id. at 81-82.
9. Id. at 81-82.
In terms of leadership effectiveness this individualistic approach has, for the most part, portrayed female managers in a positive light. Nevertheless, by focusing on the individual abilities of female and male leaders, important situational factors may have been underestimated. Attempting to redress this oversight, recent research by Ryan and Haslam has shifted the focus from women leaders per se to the context surrounding their appointment. Importantly, such research has uncovered evidence that women are placed in very different leadership positions than are men.

A. The Glass Cliff

Research into the “glass cliff” was partially stimulated by a front-page newspaper article entitled Women on Board: Help or Hindrance? Based on evidence that the most successful companies on the UK FTSE 100 tended to have all-male boards while those with the most women on the board tended to perform least successfully, this article suggested that women had “wreaked havoc” on British companies’ performance and shares. Ryan and Haslam questioned this claim in an archival study that examined the share price performance of FTSE 100 companies before and after the appointment of a male or female board member. Focusing on key situational factors, in particular the time of appointment and fluctuations in company performance, the researchers found that “[i]n a time of a general financial downturn in the stock market, companies that appointed a woman had experienced consistently poor performance in the months preceding the appointment.” On this basis, Ryan and Haslam suggested that the causal sequencing of Judge’s 2003 analysis was wrong: it was not that women board members caused poor company performance, but that poor company performance caused women to be appointed to company boards. Coining what turned

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15. Ryan & Haslam, supra note 8, at 82-83.
17. See Ryan & Haslam, supra note 16; Ryan & Haslam, supra note 8.
19. Id.
20. Ryan & Haslam, supra note 8, at 82.
21. Id. at 86.
22. Id. at 87.
into something of a corporate buzzword, the researchers suggested that women leaders are exceptionally likely to be placed on top of a "glass cliff," such that they are more likely than males to be appointed to leadership positions in problematic organizational circumstances. Thus, women end up in leadership roles that are more risky and precarious than those of their male counterparts, and are more likely to attract unfair criticism of the type meted out by Judge. In an attempt to validate their alternative causal analysis, Haslam & Ryan replicated the tendency to appoint women to glass cliff positions in a series of experimental studies. In these, participants were given the task of appointing one of two possible candidates to a leadership role: a male and a female both equally qualified for the position. The results of the first study revealed that international management students were more likely to appoint a female candidate to the position of financial director when company performance, defined by share price performance, was decreasing than when it was increasing. Along similar lines, in the second study, community college students were more likely to appoint a female candidate to the position of youth representative of a festival when its popularity was declining than when it was increasing.

Factors relating to the decision makers, such as their attitudes towards feminism and their evaluations of the candidates, as well as factors relating to the position, such as how desirable it was, were also examined in both experiments. Intriguingly, contrary to Ryan and Haslam's initial predictions, none of these factors were found to play a significant role in the appointment of women to risky leadership positions. Although more research was therefore called for to clarify issues of underlying process, what this research made clear was that glass cliff appointments represent subtle but substantial hurdles for females attempting to climb the leadership ladder.

Extending this research beyond the business realm, this conclusion is also reinforced by a series of archival and experimental

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24. Ryan & Haslam, supra note 8, at 87.
26. Id. at 2.
27. Id. at 13-14.
28. Id. at 20, 29.
29. Id. at 22, 26-29.
30. Ryan & Haslam, supra note 16.
32. Id. at 34-37.
studies in the sphere of politics. These studies again found clear evidence of the glass cliff phenomenon with female candidates being more likely to be selected to contest elections considered unwinnable.

B. The Legal Context

Reflecting more general societal trends, some evidence suggests that women’s standing in the legal profession is improving. For example, “[s]tatistics from the Law Society of England and Wales show that 56 per cent of new entrants to the profession are female,” and in the United States, women comprise just over fifty percent of the 1.02 million employees in legal occupations. Despite these encouraging developments, recent statistics show that women still only made up twenty-three percent of partners in the United Kingdom and only seventeen percent of partners in the United States. Furthermore, a massive eighty-seven percent of paralegals and legal assistants are women. Thus, although women work in the legal arena in great numbers, they remain concentrated in the lower levels of the profession.

Despite this gender inequality, Frazier and Hunt note that surprisingly little research exists that focuses specifically on the issues and difficulties facing female law professionals. However, the research that does exist suggests that male and female lawyers are treated differently. Indeed, a recent report by the American Bar Association reveals that more than thirty percent of women reported that they “miss[ed] out on desirable assignments because of [their] gender,” while approximately fifty per cent felt that their gender had

34. Id.
36. BUREAU OF LABOR STATISTICS, supra note 7, at 259.
39. BUREAU OF LABOR STATISTICS, supra note 7, at 259.
resulted in missing out on "informal or formal networking opportunities." Other research suggests that female lawyers are less satisfied with their jobs than are their male counterparts, primarily because of their lack of influence in the workplace and lack of promotional opportunities. Other research suggests that these discriminatory practices extend to the courtroom. In the United States, one study found that seventy-four percent of female lawyers reported at least one experience of bias in the courtroom, such as being dismissed for being a woman.

Along the same lines as Schein's "think manager-think male" bias, it seems plausible that a "think lawyer-think male" bias also exists. Indeed, bias of this form appears to be implicated in research by Hahn and Clayton that revealed that while male jurors perceived aggressiveness as a positive trait betokening success in male lawyers, the same was not the case for female lawyers, in whom this trait was interpreted unfavorably.

In light of these patterns, there would seem to be some potential to elaborate on the nature of gender discrimination in the legal profession by exploring the possibility that even if women lawyers do break through the glass ceiling they may be likely to find themselves on a glass cliff. Such an approach sits well with Frazier and Hunt's recommendation that research needs to attend to the multifaceted nature of the interactions between gender and the law and that researchers adopt a "gender in context" approach of the form favored by Ryan and Haslam.

42. AMERICAN BAR ASSOCIATION, VISIBLE INVISIBILITY: WOMEN OF COLOR IN LAW FIRMS 9 (2006) (noting that "32 percent of women of color and 39 percent of white women reported missing out on desirable positions because of gender . . . 46 percent of women of color and 60 percent of white women reported that they were denied formal or informal networking opportunities because of gender").


44. Riger et al., supra note 41, at 476.

45. Schein 2001, supra note 13, at 475; Schein 1975, supra note 13, at 341.


49. Ryan & Haslam, supra note 8.
Moreover, the viability of this enterprise is suggested by research in which Ryan, Haslam, and Postmes solicited feedback from readers of a BBC news website on their experiences of, and explanations for, glass cliffs. This attracted a number of responses from female lawyers detailing their glass cliff experiences, but the following account from a thirty-five year-old attorney stands out as particularly emblematic of the phenomenon:

Working for a previous law firm (I am a solicitor), an existing very large client went into liquidation. The client still had a vast amount of work but due to their circumstances they were predominantly unwinnable. Furthermore, the likelihood of being paid in full was slim. All of the files were redistributed from a team including male colleagues to me and a fellow female solicitor. My male colleagues were assigned to some far more interesting, stimulating and winnable cases/clients. After 12 months of trying my hardest for the client but getting nowhere, and failing to achieve my billing target due to their non-payment, I left the firm. My colleague remained and is still dealing with the same client. She is criticised for not hitting targets and has been passed over for promotion twice by male colleagues who were able to shine with the clients and cases that once were ours!

C. The Present Study

Given existing gender inequities in the legal profession and anecdotal evidence of the glass cliff, the present study sought to establish empirically whether women are differentially selected to take on problematic legal tasks. In the first instance, the obvious research strategy that suggests itself is archival or survey research examining the distribution of particular types of legal work among male and female members of the legal profession. However, although such research could certainly have value, it presents four serious practical and methodological problems. First, unlike the business and political domains in which “objective” indicators of precariousness exist (e.g., fall in share price, the margin that an electoral candidate needs to make up), there are no comparable (and readily accessible) indicators relating to legal work. Second, even if one could find such indicators, the resulting data would provide little insight into the causal structure of any relationships between gender and work responsibilities.

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that emerged from analysis.\(^52\) This is important, as prior research\(^53\) has highlighted a need to differentiate between potential explanations of the glass cliff, specifically in terms of (a) relatively malign processes (e.g., sexism, ingroup favoritism on the part of men, degrading stereotypes of women)\(^54\) and (b) more benign processes (e.g., a desire to signal change, beliefs about the distinctive competencies of women, women’s desire to take on challenges).\(^55\) Third, to the extent that any such measures relied on self-reports, they would potentially be subject to a range of self-presentational and strategic biases. Finally, even if they were not in any way distorted, such reports would be able to provide limited insight into underlying psychological and socio-structural process.

To circumvent these problems, the present study used an experimental procedure modelled on previous work by Haslam and Ryan.\(^56\) In this study, undergraduate law students were provided with descriptions of one of two legal cases: one precarious and associated with high risk, the other low risk. Participants were then presented with biographical details of three lawyers who could potentially step up and take over the case. One candidate (a male) was obviously much weaker than the other two. These two focal candidates had matching qualifications and experience but one was a man and the other a woman. The participants’ task was to select the candidate they felt was best suited to lead each case.

In line with previous research,\(^57\) the study’s main hypothesis was that the female lawyer would more likely be chosen to lead when the case was associated with a high rather than a low level of risk. However, to explore the mechanisms that might underpin this outcome, participants were asked not only to select their preferred candidate but also a number of questions that would provide insight into the issue of whether the processes implicated in glass cliffs are benign or malign. Among other things, these questions aimed to establish (a) whether appointment decisions were associated with the participants’ level of feminism and sexism, and (b) whether precarious


\(^{53}\) Ryan et al., *supra* note 50.


\(^{56}\) Haslam & Ryan, *supra* note 25.

\(^{57}\) See, e.g., *id.*
positions were seen as something to be avoided or as a good opportunity for women to further their careers.

I. METHOD

A. Participants and Design

Participants were one hundred fourteen undergraduate law students from a British university who participated in the study during a class exercise. Their median age was twenty years; seventy-two were female and thirty-six were male (six did not specify their gender). Participants received information about a legal case that was either described as being high risk or low risk and then evaluated three candidates (including two focal candidates, a male and a female) for the position of leading lawyer. The study thus had a 2 (riskiness of case: high risk, low risk) x 2 (gender of candidate: male, female) x 2 (gender of participant: male, female) design, with repeated measures on the second factor.

B. Materials and Procedure

Participants were randomly selected to receive one of two versions of an eight-page questionnaire. The first page presented a description of a legal case focusing on taxation issues, which included the names of the lead counsel and three members of the defense team. Further information about the case was presented in the form of a newspaper article, in which the riskiness manipulation was introduced. In the low-risk condition ("New Lawyer to Step Up in Bartleby-Davidson Tax Case") participants read that the leading lawyer had had to step down for personal reasons but "expressed great regret at leaving the landmark case." In the high-risk condition ("Lawyer Resigns amidst Bartleby-Davidson Tax Debacle"), they read that the leading lawyer had resigned due to fears about the way the case was progressing and the negative media coverage it had attracted ("it's just too risky for my career"). In both versions of the questionnaire the article stated that a new lead counsel was to be appointed.

Participants were then informed that one of the current members of the defense team was to be promoted to lead counsel. They were given a description and photograph of each of the three members of the defense team (counterbalanced across conditions). From the descriptions it was readily apparent that two of the three candidates stood out as being extremely qualified for the position:
Candidate 1 (a male candidate) and Candidate 3 (a female candidate). Both of these candidates had graduated top of their class from highly prestigious law schools, specialized in taxation law (on which they had written academic papers), and had extensive courtroom experience. Candidate 2 (also a male candidate) had far less legal experience, especially in taxation law, and had only recently graduated from a distinctly less prestigious law school. Pilot testing ensured that the photographs of Candidates 1 and 3 were matched on all dimensions other than gender: they were both white and were of equivalent age and attractiveness.

After reading about the case and the candidates, participants were then asked to evaluate each in turn by indicating their level of agreement with a series of statements (on seven-point scales from one “do not agree at all,” to seven, “agree completely”). The statements were designed to measure perceptions of (a) the candidate’s suitability for the position (“The candidate’s past experience is relevant to the position”; “The candidate would be suitable for the position”), (b) the candidate’s leadership ability (“The candidate would be a good leader”; “The candidate will bring the required skills to the job”), and (c) the candidate’s influence on the case (“The candidate will have a positive impact on the direction of the case”). These five items were averaged to form a general evaluative measure for both the male candidate (α = 0.74) and the female candidate (α = 0.82). In addition, a single item was included to assess the perceived impact of the position on the candidate’s career (“The position offers the candidate a good opportunity to further his/her career”). Participants were then asked to rank the three candidates, from one to three (where one was the most appointable). Participants also indicated the degree to which leading the case was desirable (“I would like to work on this case”; “If I had a friend who was suitable, I would recommend they accept the position if offered it”) and risky (“Accepting the lead of the defence team arguing this case could be a risky decision”; “Losing the case would reflect badly on the leader of the defence team”). Finally they were asked to indicate the extent to which they supported feminist ideals and completed some basic demographic questions. On completion of the study, participants were debriefed in full.

II. RESULTS

Results consisted of participants’ rankings of the candidates, their evaluations of the candidates, and their evaluations of the
position itself. The following analysis considers each of these measures in turn.

**A. Ranking of Candidates**

Analysis on both the ranking and evaluation measures revealed (as intended) that participants did indeed see Candidate 2 as most unsuitable for the position of leading lawyer. Subsequent analysis therefore concentrated on Candidates 1 and 3 as the focal candidates. To investigate the impact of the riskiness of the case on the ranking of these focal candidates, a 2 (riskiness of case: high risk, low risk) x 2 (gender of candidate: male, female) x 2 (gender of participant: male, female) ANOVA was conducted with repeated measures on the second variable, and with support for feminist ideals entered as a covariate (M = 4.03, SD = 1.69).

Results revealed no significant main effects or interaction effects, no effects for gender of participant, and indicated that support for feminist ideals was not a significant covariate in the analyses (all ps > .05). However, consistent with the study's main hypothesis, there was a significant interaction between the gender of the candidate and the riskiness of the case, F(1, 101) = 4.74, p = .03 (see Figure 1). Simple effects revealed that when the case was associated with low risk, participants did not differentiate between the male candidate (M = 1.68) and the female candidate (M = 1.42) in making their rankings, F(1, 101) = .69, p = .40. However, as hypothesized, when the case was high risk, participants were much more likely to select the female candidate (M = 1.26) ahead of the male candidate (M = 1.98), F(1, 101) = 15.19, p < .001.

**B. Perceptions of Candidates**

1. **Evaluations**

To examine participants' evaluation of the candidates a 2 (riskiness of case: high risk, low risk) x 2 (gender of candidate: male, female) x 2 (gender of participant: male, female) ANOVA was conducted with repeated measures on the second variable. Analysis revealed a significant main effect for gender of the candidate, such that the female candidate was evaluated more positively (M = 5.57) than the male candidate, (M = 5.82), F(1, 101) = 5.10, p = .03.

However, as can be seen from Figure 2, this main effect was qualified by a marginally significant interaction between the candidate's gender and the riskiness of the case, F(1, 101) = 3.75, p = .056.
Simple effects revealed that this effect resulted from the fact that when the case involved low risk participants had very similar evaluations of the male \((M = 5.57)\) and female candidate \((M = 5.73)\), \(F < 1, ns\), but that when it was associated with a high degree of risk the female candidate \((M = 5.94)\) was evaluated much more positively than the male \((M = 5.56)\), \(F(1, 101) = 12.06, p = .001\).

2. Opportunity

To explore participants' evaluation of the opportunity that the position afforded the candidates, a 2 (riskiness of case: high risk, low risk) x 2 (gender of candidate: male, female) x 2 (gender of participant: male, female) ANOVA was conducted with repeated measures on the second factor. As can be seen from Figure 3, this analysis revealed a significant interaction between gender of the candidate and the riskiness of the case, \(F(1, 101) = 3.77, p = .05\). Simple effects revealed that the pattern of results mirrored those obtained on ranking and evaluation measures with the low-risk case being seen to provide a similar opportunity for both candidates (Ms: male = 5.71, female = 5.92), \(F(1, 101) = 1.26, p = .27\), but the high-risk case being seen to afford the female candidate a significantly better opportunity to further her career \((M = 6.19)\) than it did the male candidate \((M = 5.51)\), \(F(1, 101) = 14.83, p < .001\).

3. Perceptions of the Position

To examine variation in (a) case desirability, (b) willingness to recommend the position to a friend, (c) perceptions of case riskiness, and (d) the perceived impact of losing the case, a further series of 2 (riskiness of case: high risk, low risk) x 2 (preferred candidate: male, female) x 2 (gender of participant: male, female) ANOVAs were conducted.

Overall, when asked if they would like to work on this case, participants found the position to be moderately desirable \((M = 3.40)\). However, this was not related to the riskiness of the case, the gender of the participants, or the choice of candidate (all ps > .05).

Analysis revealed a significant main effect for riskiness of the position, \(F(1, 97) = 5.10, p = .026\). In line with the experimental manipulation, participants in the low-risk condition were more inclined to recommend the position to a friend \((M = 5.22)\) than those in the high-risk condition \((M = 4.78)\).

When asked how risky it would be to lead the defense team arguing this case, participants in general found the position to be quite
risky ($M = 4.65$). Confirming the success of the manipulation, analysis revealed that accepting this position was thought to be more risky in the risky condition ($M = 4.85$) than in the non-risky condition ($M = 4.48$), $F(1, 94) = 6.17, p = .015$. However, as can be seen in Figure 4, this effect was qualified by a significant interaction between the riskiness of the case and preferred candidate, $F(1, 94) = 6.37, p = .013$. Simple effects revealed that when the male candidate was ranked first, participants in the risky condition rated the position as significantly more risky ($M = 5.50$) than those in the non-risky condition ($M = 3.86$), $F(1, 94) = 9.20, p = .003$. In contrast, when the female candidate was preferred, there was no significant difference in the perceived riskiness of the position across the two conditions $F(1, 94) < 1, p = .97$, although the means indicate that the position was actually considered (non-significantly) more risky in the low-risk ($M = 4.88$) than in the high-risk condition ($M = 4.67$).

Analysis revealed a main effect for choice of candidate, $F(1, 96) = 4.79, p = .031$, such that those participants who selected the male candidate thought that losing the case would reflect more badly on the leader ($M = 4.91$) than those who chose the female candidate ($M = 4.26$).

III. DISCUSSION

The results of the present experiment provide an important replication of Ryan and Haslam's previous demonstrations of the glass cliff phenomenon in the realms of business and politics.\(^{58}\) In line with the study's main hypothesis, the female candidate was seen as being significantly more appointable to a position as lead counsel on a high-risk legal case (one associated with negative publicity and criticism) than an equally qualified male candidate. On the other hand, gender was not a determining factor when deciding who to appoint to a position as leading counsel on a low-risk legal case (one described as easy and trouble free). This pattern of results was also apparent in the evaluations of the candidates, such that when the case involved high risk, the female candidate was evaluated more positively (being seen as more suitable, having better leadership skills, and being more likely to have a positive impact) than the male candidate, although this was not true when it involved low risk. In this, the findings demonstrate that the processes that contribute to glass cliffs can be reproduced in a legal context, an additional field in which gender discrimination has previously been identified as a significant and obdurate problem.\(^{59}\)

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58. Haslam & Ryan, supra note 25; Ryan & Haslam, supra note 8.
59. Susan T. Fiske, Donald N. Bersoff, Eugene Borgida, Kay Deaux, & Madeline E.
A. Perceptions of Glass Cliff Positions

Yet this study did more than merely reproduce experimental evidence of the tendency for people to preferentially appoint women to precarious leadership positions in a new domain and with a new participant population. Significantly, it extended previous research by examining participants' perceptions of risky leadership positions, and was thus able to shed some light on the motivations that are likely to contribute to the appointment of women to glass cliff positions. In particular, in earlier commentary it had been assumed that high-risk positions, with their increased risk of failure, were inherently less desirable and attractive than low-risk positions, but this assumption had not been tested directly. Such a test proves to be important in light of suggestions that the glass cliff phenomenon can be explained simply by women's desire to take on risky leadership roles. For example, Patricia Peter, Head of Corporate Governance at the British Institute of Directors has argued, "I know of women who don't want to sit on a board that isn't a challenge, and who feel that if they go to a company that's doing quite well, they might not be noticed." As Vinnicombe puts it, "[i]t may be that women are choosing to go for the most challenging positions where they can make the most difference." Insofar as the present findings provide evidence that, prior to taking them on, the high-risk positions for which women are preferred are not seen to be more desirable than the low-risk ones (and indeed, as we had assumed, tend to be seen as less desirable, at least insofar as they are less likely to be recommended to a friend), they suggest that such alternative accounts may be post hoc rationalizations to reduce cognitive dissonance rather than reflections of genuine a priori motivations.

The findings also revealed that although participants acknowledged that a position associated with poor publicity and a higher risk of failure was indeed more risky, perceptions of risk also depended on their choice of candidates. Thus only those participants who chose the male candidate (a minority, particularly when the case was described as risky) recognized this increased risk. Those participants who chose the female candidate did not. Along related lines, when the

Heilman, Social Science Research on Trial: Use of Sex Stereotyping Research in Price Waterhouse v. Hopkins, 46 AM. PSYCHOLOGIST 1049, 1053-54 (2001); Frazier & Hunt, supra note 40; Hahn & Clayton, supra note 41; Riger et al., supra note 41.
62. See LEON FESTINGER, A THEORY OF COGNITIVE DISSONANCE (1957).
case involved low risk, participants saw it as providing an equally good opportunity for the male and female candidates, but when it carried a high risk it was seen to provide a much better opportunity for the woman.

At the most basic level these patterns point to the context-dependence of perceptions of risk and opportunity, since the dangers and merits of any given position were not recognized uniformly but varied depending on whether that position was going to be occupied by a man or a woman. However, in line with Ryan and Haslam’s previous arguments, these findings also demonstrate the subtlety of the gender discrimination that contributes to glass cliffs. Participants clearly were only attuned to the problems inherent in any given position to the extent that it was to be filled by a man. Second, for a woman, the high-risk case was construed more as a “golden opportunity” than as a “poisoned chalice,” presumably a reflection of participants’ sensitivity to the fact that women lawyers have fewer opportunities than their male counterparts. Compatible with this world view, participants felt that losing the case, whether it was risky or not, would be more likely to have a detrimental impact on the leader when they had chosen a male candidate than when they had chosen a female candidate. This would seem to suggest that men are seen to have more to lose than women if there is a possibility of things going wrong.

Taken together, these findings present a coherent picture of a constellation of perceptions and understandings that have the potential to contribute to the creation of glass cliffs. Rather than being the product of overtly sexist intent (in this study at least), the preferential selection of a woman for a risky leadership position appears to be associated with beliefs that high-risk positions are less risky for women than men, presumably because they are seen to have less to lose and more to gain. Given the underlying facts (i.e., that women are coming from a position of disadvantage), there may be some sense in which this is true. Indeed, given that men have more options to choose from than women, they may be better advised to wait for a sure-fire opportunity to arise than to take a chance when they do

63. Ryan & Haslam, supra note 8.
64. Frazier & Hunt, supra note 40, at 2 (noting that the vast majority of legal and criminal justice professionals are men).
65. Cainer, supra note 35 (reporting that a younger female attorney’s marketing proposal was dismissed by an older partner).
not have to do so. Nevertheless, the insidious consequences of this system of beliefs are not hard to discern, not least because it has the capacity to corral women into high-visibility, high-risk positions where failure, blame, and scapegoating are more likely.

B. Directions for Future Research

Although the present results strongly suggest that the appointment of women to glass cliffs is based on a set of discriminatory beliefs, as argued above, overt discrimination and sexism are unlikely to be the sole factors leading to women being placed in precarious leadership positions, not least because the student sample used here was generally neutral in relation to issues of feminism. For this reason, more research is necessary not only to replicate the findings of the current study but also to identify other factors that may contribute to these outcomes.

In particular, it is worth examining more closely the idea that women may be placed in, and evaluated more positively for, challenging positions simply because they are viewed (and view themselves) as better suited to these roles. In this regard some evidence certainly suggests that women tend to have more transformational leadership styles than their male peers, implying among other things that they may be better equipped to handle interpersonal "fallout" in times of change and crisis. Nevertheless, the causal and strategic status of such factors needs to be examined more forensically than has been possible to date. On the one hand they may be dispositions and beliefs that render women better suited to perilous positions. On the other, they may be rationalizations and capabilities that only emerge after the fact. Here again, we need to be careful about the structural consequences of conceiving women as better equipped to deal with problematic leadership tasks, as this conception could reinforce their assignment to low-status roles in which they have to deal with difficult relationships and conflict, while men are left to higher status positions in which they address more substantial economic and technological issues.

67. Woods, supra note 60.
68. Ryan et al., supra note 50.
70. Yvonne D. Billing & Mats Alvesson, Questioning the Notion of Feminine Leadership: A Critical Perspective on the Gender Labelling of Leadership, 7 GENDER, WORK & ORG. 144, 144 (2000); Ryan et al., supra note 50.
CONCLUDING REMARKS

The present study not only provides clear experimental evidence for the glass cliff but also demonstrates that the phenomenon can be generalized beyond the business and political arenas into the domain of law. The fact that the participants here were legal students who themselves were aspiring to take up legal positions also makes the relevance of this phenomenon more pronounced. Certainly, to the extent that the female students end up being chosen for, and choosing for themselves, positions that are more risky than those taken up by men, we should not be surprised to find that glass ceilings in the legal profession are also accompanied by glass cliffs.

Moreover, the study has built on Ryan and Haslam's previous research into the glass cliff by building a case that discriminatory beliefs relating to perceptions of risk and opportunity play an important role in the phenomenon. What we see here is not only that the opportunities that are open(ed) to men and women are not equal but, much more subtly, that the very definition of opportunity is gender-specific. Paradoxically, this has the consequence that those who appoint men and women to leadership positions can maintain beliefs in equality of opportunity — and practices that are totally consonant with those beliefs — while at the same time perpetuating forms of systematic discrimination. To the extent that this is true, it suggests that the link between equal opportunity ideology and genuine equality of opportunity may be much more thorny than is commonly supposed.
Figure 1. *Rankings of candidates as a function of candidate gender and case riskiness*

![Diagram showing rankings of candidates as a function of gender and case riskiness.](image)

Figure 2. *Evaluation of candidates as a function of candidate gender and case riskiness*

![Diagram showing evaluation of candidates as a function of gender and case riskiness.](image)
Figure 3. Perceived opportunity provided by the case as a function of candidate gender and case riskiness

Figure 4. Perceived riskiness of the case as a function of the gender of preferred candidate and case riskiness