Discussion notes: “Accidental Feminism – How Globalization Affects the Status of Women in Top Legal Professions in India”

“Just like Global Firms: Unintended Gender Parity and Speculative Isomorphism in India`s Elite Profession”

1. Thank you Professor Ballakrishnen for your interesting presentation. Before I begin asking questions about this paper, I would like to speak of my amusing experience at Chonnam National University (CNU), where I now work. I was appointed as a full-time lecturer at CNU in September of 2004. After 50 years of the founding of the Department of Law at CNU, I became the first nominated female faculty member. This means that until then, my faculty members had not had any experience working with a female department member. Thus, the question can be asked: Who in this male dominant group were more uncomfortable – the male members or I? When I reflect upon that time, I can firmly say that my male counterparts were embarrassed, and I reacted to the situation in a humorous manner. The male department members were very confused as to how they should treat me equally. On the first day of my attendance, the department office supplied me with a very cute trash box, which was painted pink, and a round table. With this, they said that “they were taking into consideration that I am female.” It was very clear that they perceived the color blue, and square tables, to be unfeminine, even though I personally prefer the latter to the former.

In 2004, the Law School system in Korea had not yet been introduced. During this time, every Department of Law was preparing to be recognized as a Law School. It was mostly young faculty members who organized TF teams in preparation for this recognition. Clearly, I belonged to the TF team. Working with the TF team was physically and mentally demanding, and at that time, I was raising two young children. As such, it was a struggle to balance my work and family life obligations. With this said, neither CNU nor my male faculty members, were interested in this struggle. Perhaps by including me as a member of the TF team, they thought that it is equal treatment that I work as a member of the TF team together.

It was very ambiguous attitude. As the only female faculty member in the Department of Law, sometimes I received excessive concern and consideration, or gender-blinded equal treatment.

2. Unlike my past experience, women in Indian elite law firms today tend to have very positive gender experiences. To explain the reasons behind this change, Professor Ballakrishnen presents the structural backgrounds that elite law firms are founded on. Namely, because the Advocate Act (1961) restricts international investment into the Indian legal profession, and forbids the “practice of law” by non-Indians, this has produced a unique organizational and service novelty. As a result, these elite law firms emerged without direct structural support or intervention of Western law firms. As such, these firms had a chance to organize themselves in new ways to adopt meritocracy strategically.

To realize meritocracy, these Indian elite law firms hired from prestigious law schools around the country, using recruitment and internship cycles that resembled those of their foreign peers. Moreover, these firms promoted their women partners without attention to gender. Professor Ballakrishnen may view meritocracy as an important cause of producing gender parity.

Frankly speaking, however, I am not convinced of whether meritocracy contributes to gender equality. I raise certain questions, including: Which standards for ability evaluation could be impartial without gender bias? Could graduating from prestigious law schools or participating in internship cycles, which resemble those of their foreign peers and so forth be fair standards to guarantee the abilities of graduates?

If the practices of Indian elite law firms can produce environments based on meritocracy, and subsequently, gender equality, this may also result in the implementation of gender parity in the recruitment stage. With this said, however, there is no explanation of how women developed themselves and attained high ranking positions in elite law firms after being hired. I wonder, then, what the ratio of female lawyers in higher positions is, and which standards meritocracy is evaluated by.

This hypothesis may be a cautious one; however, is it not possible to understand gender equality in Indian elite law firms as not the result of meritocracy, but rather, as being related to the lawyer’s supply and demand? The economy in India has shown high growth with the rise of globalization. Thus, begs the question: Would female lawyers not have a better chance at equal opportunities and treatments in new law firms? This is owing to high economic growth and the demand on lawyers, which surpasses their provision.

3. Furthermore, Indian elite law firms organized themselves in speculative new ways without investment and organizational support by Western influences. This process automatically produced gender parity, yet, a large amount of research has shown that in many Western law firms, female lawyers experience negative gender differences. Thus, it should be asked: What are the organizational features employed by these law firms that contribute to gender equality?

4. In relation to this connection, are there any possibilities in which gender equality is caused by the contents of their work, and not by organizational modernity or meritocracy?

5. This research is designed using data from 139 original semi-structured interviews with professionals; however, in your results of interviews, segregation by gender is not clearly marked. Hence, if this research was designed by the use of separate interviews, which are dependent on gender, I think that different consequences about the causes contributing to gender parity would be deduced. For instance, I am left to guess whether organizational modernity or meritocracy is a more essential reason for gender parity, or if there are other causes. What do you think about this?

6. My final question may not directly relate to your presentation, but is worthy of discussion. It seems as through India is a country which is still influenced by the caste system. That means that in general, the working environment for women might be seriously affected by the cultural aspect produced from casteism, rather than by gender equality. Under these conditions, what useful points from your presentation could be applied to the ordinary female worker (i.e. excluding elite women in India)?

Similar to India, the number of female lawyers in Korea is increasing and the legal service field is no longer exclusive to men. Despite this, in my opinion, gender segregation in legal service sectors has strongly remained. Many female lawyers work in cases related to family law, including other domestic cases, which runs in contrast to the cases handled in India. For this reason, your research is very interesting. Thank you for your impressive presentation!