

The Rise of Women Lawyers in India

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SWETHAA S. BALLAKRISHNEN. *Accidental Feminism: Gender Parity and Selective Mobility among India's Professional Elite*. Princeton, NJ: Princeton University Press, 2021.

In *Accidental Feminism*, Swethaa Ballakrishnen, a rising scholar in the study of inequality in the professions and globalization, offers an illuminating account of the coincidental corpus of conditions leading to unanticipated gender equality within elite global law firms in India. Their eloquent analysis breaks new ground by skillfully tracing the range of conditions, each incidentally conceived, that coincided without intention to produce demographic parity for women lawyers in elite firms. Recent scholarship has explored the formation of legal elites in postcolonial India (Williams 2020), emerging corporate legal “ecosystems” of new domestic corporate law firms in India (Wilkins, Trubek, and Fong 2020), and the role of Indian lawyers in the transnational context of the World Trade Organization (Shaffer, Nedumpara, and Sinha 2015), yet there is a paucity of research on women lawyers in India (though see Mossman (2020) for a historical account of early women lawyers in India). *Accidental Feminism* fills a conspicuous void in the literature on legal professions.

A NOVEL SPACE AND EMPIRICAL PUZZLE

Ballakrishnen argues persuasively that emerging transactional law firms in India offered a novel space, freed of gender scripts, where middle-class, elite-educated women could gain entry and excel in a more meritocratic organizational structure than was the case in traditional Indian law firms. While women in consulting firms continued to experience their environments as “stiffly gendered” despite organizational commitments to cultural change, elite law firms in India offered spaces of “relative parity and posture-able nondiscrimination” and, without meaning to do gender differently, produced early “institutional blueprints for sustainable demographic parity” (4).

Through a richly textured qualitative analysis, Ballakrishnen traces the constellation of factors that led to women’s hiring and advancement in India’s elite law firms. Factors included: (1) law reform and market liberalization; (2) new elite transactional law firms seeking to compete in the global market with an *imagined* vision of global law

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practice; (3) a generation of middle-class women entering new elite law schools (with courses emphasizing social justice) that allowed them to graduate in their early twenties (and thus attaining partnership before negotiating demands of parenthood); and (4) women lawyers supported by a prior generation of mothers willing to provide child-care and a fleet of staff available to perform household work.

The book is based on 139 interviews conducted over five years, from 2011 to 2015, with law firm lawyers and professionals in the management consulting sector in India. Interviews included lawyers in traditional legal practice (fifty-eight) and transactional law firms (fifty), professionals in international banks and consulting firms (twenty-seven), and informants such as clients and industry reporters (four). During fieldwork, Ballakrishnen came across two large transactional law firms in Mumbai where gender parity appeared to thrive. In 2012, women entered these firms at the same rate as men and they were retained and advanced at comparable rates to their male peers. The fortunes of these women lawyers were in sharp contrast with India's legal profession (where women represent 5 to 10 percent of lawyers) and to broader accounts of gender and professional work in India and globally (Choroszewicz and Kay 2022; Michelson 2013). The central puzzle of the book is the success of women lawyers in these elite firms. I wondered whether these two law firms were typical or anomalies among transactional law firms in India—though their existence is intriguing nonetheless. It would be interesting to know how many new elite transactional law firms were launched in Mumbai or India during this period, the average size of these new transactional firms, and whether data are now available on women's representation in India's elite law firms more broadly.

THE HAPPENSTANCE OF INSTITUTIONAL NOVELTY

Early chapters of the book trace macro-level changes. In 1991, the Indian government initiated a process of economic liberalization and market deregulation. These reforms were powerful in shaping the scope of India's professional service sector because they introduced privatization of predominantly state-run sectors and the liberalization of foreign direct investments and trade. In the wake of these reforms, India welcomed the entry of multinational professional firms and the emergence of new professional services (e.g., management consulting) alongside law, accounting, and banking.

A central argument of the book is that as new firms doing new work, elite law firms were free to escape strong preconceived notions of work and identity. Elite law firms made efforts to signal legitimacy in a global market for legal services. Key were strategies to differentiate themselves from traditional firms that may appear unsophisticated and based on kinship, while also attempting to mirror meritocratic processes to signal compatibility with global peers. Elite law firms strove to be "just like global law firms" and this implied not overtly discriminating on the basis of gender.

At the same time, a wave of educational reform led to new elite law schools in India that socialized young lawyers to contribute to elite firms' multilayered advantage. This advantage was not enjoyed by other organizations (i.e., management consulting) similarly structured by globalization but that drew their workforce from long-established educational institutions (e.g., older engineering and business schools). Elite law firms recruited from the National Law Schools that graduated equal numbers of men and

women from their programs. These law schools were new sites of institutional novelty and change where social justice was emphasized. Ballakrishnen contends that the symbiotic coestablishment of new law schools alongside new elite law firms was happenstance.

Graduates of elite law schools entered elite transactional law firms operating in new spaces where the work demanded skills that were not predominantly framed by preexisting gendered expectations. According to Ballakrishnen, in the new areas of mergers and acquisition or international banking or capital markets, gender was not primed in the construction of the ideal worker. Unlike other law offices in India that operated as closed systems consisting of “old boys’” networks, these new postliberalization firms were organized along the lines of their global counterparts. For example, the new firms were composed of partners and associates, fixed salaries, transparent promotions and bonuses, and institutionalized recruitment. This organizational setup, while not entirely innovative, was novel in the context of the historical Indian legal form that had been organized around private practitioners without firm formation, salary structures, or nonfamilial recruitment. Ballakrishnen argues that “[a]s new sites that are performing new types of work, elite law firms were well positioned to structurally renegotiate existing hierarchies” (67).

This explanation contrasts sharply with the approach taken by gender theorists and social psychologists (Correll 2007, 2017; Ridgeway 2011, 2019) where preexisting frameworks pose disadvantages for those attempting to negotiate their way through entrenched hierarchies. The women lawyers in Mumbai’s two elite law firms experienced a new organizational context in touch with Western organizational scripts. Ballakrishnen contends that this organizational variation was crucial to the creation of unexpectedly gender-equal outcomes in these new law firms. Meanwhile, in India women lawyers working as “in-house” counsel fared better than their peers in traditional litigation, but still bore the background frame of a historically gendered organizational structure.

However, it is not only global capital and a novel organizational form that benefited elite-educated middle-class women. Ballakrishnen maintains that women in elite law firms were backed by a sophisticated client base of international and high-end domestic clients. While women lawyers in smaller firms struggled with male clients who were hesitant to trust women lawyers with their personal or familial small business transactions, women in large elite law firms encountered clients content to let women lawyers handle large mergers because these transitions were more formal. Clients are portrayed as open to women lawyers handling their legal matters due to the nature of the legal work as more transactional and less personal. Furthermore, a closed market for legal services offered interactional advantage: as retained counsel for most large transactions taking place in India, these elite firms needed to recruit clients less often. This market brought membership within a more “cosmopolitan, nation-agnostic cohort of global professionals” (29).

THE MERITOCRATIC IMAGINARY

Perhaps the more interesting argument advanced in *Accidental Feminism* is that of *isomorphism* (following the work of DiMaggio and Powell 1983). Ballakrishnen describes

the knowledge that elite law firm lawyers possess as “asymmetric and mimicry was speculative” (80). The author argues that elite firms were trying to gain legitimacy by being meritocratic—the ideal they *imagined* in global law firms. Law firm leaders lacked direct experience or knowledge of how global law firms lived out their script. Although a few partners had spent time in international firms, and many had encountered these firms as associates involved in transactions, there was little formal flow of information. I was surprised by this level of isolation. One might have anticipated that even limited contact would be enough to detect women’s low representation in global firms, especially at partnership levels. Yet, the highly masculinized field remained veiled to elite Indian firms. An interesting twist takes place a little later when Ballakrishnen discusses recursive, reiterative cycles of norm-making (following the work of Halliday and Carruthers 2007). Ballakrishnen claims that the dynamic is not a straightforward mimetic process of isomorphism but a two-way process where institutions are changed at the global level by norms and adaptations taking place at national and local levels. This seems to suggest a process that involves greater flow of knowledge between organizations. And yet, Indian elite law firms did not perceive the ideal models (of Western global law firms) they held early on to be distorted, nor did they morph their organizational structures toward a reality of gender inequality.

Ballakrishnen’s explanation for women’s parity in elite law firms is also rooted in existing gender inequalities within India. Ballakrishnen delves into the role of families and life-course events in determining the unlikely gender outcomes uncovered in elite law firms. Not surprisingly, professionals derived from deeply homogenous (middle-class, high-caste, urban) backgrounds. However, it is not shared privileged class and caste that propelled women lawyers in elite firms. Rather, these women had multiple levers to assist them in their career trajectories. First, women in elite law firms typically started their careers in their early twenties and were in a position to attain partnership by their early thirties—allowing them to hold positions of power while negotiating maternity leave and childcare. In contrast, women in consulting and other elite professions tended to still be junior colleagues while making these life-course decisions. Second, women from the Indian middle class benefited through existing inequalities in the grander Indian system: a ready, caste-dependent labor force to supply affordable housework and a generation of close female family members (mothers and female in-laws) who were not in the workforce and available to provide free childcare. Thus, women lawyers benefited from a prior generation of mothers (trapped by an essentialist morality of middle-class womanhood) who were available to take on childcare for their daughters. Women lawyers relied on a class/caste system and privilege of wealth where a ready supply of staff took on household responsibilities. I particularly enjoyed reading this chapter—plush with quotes from interviews and a remarkable account of the unique temporal situation experienced by this generation of women lawyers from privileged backgrounds.

The professionals in *Accidental Feminism* represent a cohort of domestically educated, middle-class, first-generation professional elites who benefited through their relationship to global capital and domestic networks. Ballakrishnen skillfully weaves together an explanation that operates at the macro level of globalization, at the national level of law reform and new transnational firms as well as educational reform, and at the personal level of deep-rooted social relations of family and caste—all that offered

women lawyers of a particular background and educational qualification unprecedented opportunities in an elite labor market. Yet, in the closing chapter, Ballakrishnen asserts a certain discomfort with the cohesive narrative: this process, they note, was neither straightforward nor intentional. Gender parity was resolutely not a product of social activism from below nor strategic intervention from above; rather, gender parity in elite firms was the consequence of both external factors (globalization) and endogenous factors of class/caste and gender inequalities (available female domestic labor). Ballakrishnen emphasizes that the process was entirely accidental and buttressed by other inequalities and mechanisms of stratification. Ballakrishnen reflects that there were perhaps steep costs to the favorable outcomes observed within elite firms. Exposing these contradictions is one of the sophisticated contributions of the book.

GENDER EQUALITY AND FUTURE OPPORTUNITY

In the closing chapter, Ballakrishnen problematizes the book's title, *Accidental Feminism*. Ballakrishnen views the intersecting circumstances as happenstance: not orchestrated by leadership in bar associations or government, not driven from below by women lawyers agitating for access to firms and career ladders. Ballakrishnen asks whether a lack of intention can still do some of the work (of advancing gender parity) worth paying attention to, even if the work does not embolden feminist movements or gendered identities. Thus, the book offers "the possibility of *accident* as a theoretical positioning to understand progress" (xvii). This is a promising avenue for sociological inquiry—with a focus on what makes the unintended possible and what opportunities and risks are entailed by the unintended. Adriana Mica's recent book, *Sociology as Analysis of the Unintended* (2018), similarly embraces the theoretical promise of the unintended.

Ballakrishnen also interrogates their use of the term "feminism" in the book's title. Gender parity was not intentional through any design by firm founders, firms operated without diversity policies, and the women lawyers themselves did not identify as feminist. Ballakrishnen ponders: "If gender parity is proceeded without an agentic movement or institutional sanction, is it still (or was it ever) feminist?" (5). Toward the end, Ballakrishnen returns to ask whether "gains" or "equality" rather than "feminism" are better fitted to the title because feminism connotes a fundamentally scripted and normative understanding and claims for itself political weight (170). As Ballakrishnen acutely observes, "The success of the Indian law firm case has not been as much about a feminist movement as it has been about legitimacy and economic opportunity" (168). Readers will enjoy the final chapter's thoughtful discussion of the *unsustainability* of this opportunity for women. Ballakrishnen contends that the accidental circumstances they so adroitly document throughout the book would need to shift to intentional directives for gender equality to continue in the future of India's elite transactional law firms.

Finally, I would be remiss if I did not mention unexpected and welcome diversions in *Accidental Feminism*. In the preface, Ballakrishnen reflects on their life of alterity, a queer life, and their mother as their ally through her accidental adoption of her daughter's lived praxis. On first reading, I was not convinced that the self-reflective

positioning was relevant to the book's claims, and yet, there are some interesting connections suggested in terms of the women lawyers interviewed for this book and the author's mother: they share a blasé attitude and relative indifference while allied with progressive change. Another unanticipated diversion is tucked away in thirty pages of endnotes, offering a subtext to the main argument of the book. The endnotes reveal a narrative apart from the chapters that offers the author's poignant postscript reflection. *Accidental Feminism* has much to offer readers with interests in gender equality, organizational culture, and innovation, and those intrigued by globalization and women's entry to elite transnational law firms in India and elsewhere.

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