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INTRODUCTION

The Accidental Emergence of India's Elite Women Lawyers

ON A LATE SUMMER evening in 2013, I was walking on Tulsi Pipe Road toward the Lower Parel train station, grateful for the relief from the indoor air-conditioning and not yet far enough in my walk to start hating Mumbai's humidity. I had just finished an interview with a young female law firm partner that had gone far longer than the time I had allocated for it. This meant rescheduling my next interview, but I recall having a skip in my step because of how hopeful Sitara Kumar's account seemed at the time. The oldest girl of three siblings, Sitara had graduated from one of the country's top national law schools at age twenty-two and made partner before her thirty-third birthday. She dated, but told me she had no plans to marry any time soon.¹ She was widely regarded in her field, had a dedicated client base, and within her first few years with the firm was earning more than her father made in his long tenure as a local bank manager in a small South Indian town. She was close to her parents, but lived alone in one of Mumbai's high-rise apartments, a short-for-the-city cab ride away from work. As we spoke about her next big transaction, her clients, whom she shared a love-hate relationship with, and her next international solo vacation, it was becoming clear to me that Sitara was portraying a particular strain of class attainment whose texture was distinct from other accounts of "elite workers,"² especially within the region, and that it was an especially striking gendered account of high-status professional work.

This interview took place early in my fieldwork, focusing on the changing nature of the legal profession in India. At the time, while there was some mounting evidence that gender was playing out differently in the small oases of elite law firms, I did not yet know how common or substantively divergent Sitara's story would be from the vast literature on gender and professional work. In the year preceding this interview, women made up about 70 percent of the partnership cohort of elite law firms like Sitara's, but I was embedded in

[1]

enough empirical evidence from other sites to know that such demographic shifts were hardly constitutive of formal equality or progress. At the same time, the increasing presence of women partners in these firms offered a tension. The elite transactional law that Sitara and her peers practiced was neither feminized labor, nor was it low paying—the two most common explanations for feminization of work.³ Given that India was still home to one of the least feminized legal professions in the world, what could explain this gender shift in its most prestigious and well-paying organizations?

Still, it was not just the representation of women in these firms that was an empirical anomaly. Recent studies on the global south⁴—and in India in particular—had started to stress the mobility implications of neoliberalism,⁵ especially the rise of a certain kind of middle-class urbanity and class possibility (e.g., Deshpande 2003; Fernandes 2006; Lukose 2009; Nadeem 2009; Patel 2010; Radhakrishnan 2011; Fuller and Narasimhan 2014; Subramanian 2015; Upadhyaya 2016). Yet, the accounts of the lawyers I met diverged in important ways from this model, not just in terms of the economic rewards they reaped,⁶ but also in terms of their praxis when compared to other accounts of professional mobility in the region. Over the next several months, I would hear more stories from women and men in glass offices who would tell me about their modest beginnings and their current lifestyles with the same comfort and confidence: the single-generation jump to a certain kind of modernity, the impossibility of predicting that jump before it happened, the relative ease of adapting to it once it had taken place. For many of these *first-generation professional elites*, their accounts of their journeys sounded akin to those of meritocratic victors describing their status—legitimate, hard won, almost natural. Over the course of my research, Sitara’s story of mobility would have some parallels to other kinds of elite professionals, but the ways in which she and her peers in elite law experienced professional parity would remain in stark contrast both with their peers in India and to the mainstream experience of gendered professional work globally. And, upon additional examination, it would stop giving me as much comfort. Instead, over the course of my fieldwork and the years that would follow it, the fractures in these success stories would become even more apparent than they had been on that sweltering walk in August 2013.

This book, in some ways, is a consolidation of that journey from hopefulness to cautious discomfort about the state of India’s legal profession. It unpacks the skip in my step about an optimistic finding—of women lawyers achieving new kinds of professional success within Indian “big law”—first with celebration for the extension of mobility that success affords, and then, more critically, to reveal its layered underpinnings. In approaching these rewards with circumscribed celebration, this book reveals a set of structural conditions that fortuitously have come together to create environments of emancipation for these women lawyers: including organizational novelty and the imagined

forces of globalization, a particularly receptive interactional audience, and the specific contingencies of a particular cultural moment in India's neoliberal history.

This unpacking is also at the core of my argument about what I term *accidentally feminist* organizations: I find that, despite being agnostic to the cause of feminism, and using the governance language of meritocracy and modernity, many elite law firms in India have managed to produce the kinds of environments that more agentic organizations with committed interests in diversity have failed to produce in other sites. Not only are women well represented at entry and more senior levels in these law firms, they also experience their environments rather differently from their peers in similar kinds of organizations globally and locally. In doing so, these firms have not only managed to create historically unimaginable spaces of possibility for women, they have also managed to set path dependencies for organizations to have more (possible intentionally) feminist futures.

The hesitation in taking such "success"⁷ at face value is justified. Reflective of its committed critical tradition, law and society research is predicated on the assumptions of the systemic reproductions of hierarchy, especially by and within institutions producing lawyers (e.g., Garth and Sterling 2009; Garth 2015, 2020; Basheer et al. 2017) and those shaping their careers (e.g., Deza-Lay and Garth 1996, 2002; Wilkins and Gulati 1996; Tomlinson et al. 2019), especially in emerging country contexts (e.g., Liu 2008; Wilkins, Khanna, and Trubek 2017). From that broad perspective, one could argue that the "success" that women in elite law firms are enjoying is a straightforward reflection of their intersectional caste and class advantages that dilute the disadvantage that gender might pose.⁸ Still, successful women in my sample were not just upper-class women; rather, they were a cohort of "first-generation professional elites" whose financial independency from (and often, benefaction toward) their parents was central to their ability to access individual agency. Further, while caste certainly remains a fundamental framework of all analyses, rewards for high-caste women typically have not been found in the labor market. In fact, as feminist scholars have argued, caste advantage in India has been traditionally enacted by women *not* entering the market (Caplan 1985). And while high-class women were more likely to be better educated, to the extent they undertook paid employment outside the home, it was likely to be non-labor intensive (Ray and Qayum 2009) and essentialized sector-specific (e.g., teachers, clerical workers; Caplan 1985). Just as with other transnational sites of gendered labor (e.g., Freeman 2000), with the advent of liberalization, there has emerged a rising body of work on India suggesting a more layered process of capital and cultural flows that mark these processes. Not only do data reveal that there is a steady decline in women's labor force participation,⁹ but research has also generally taken the approach that while liberalization has changed the nature of outcomes slightly for high-caste women (e.g.,

Fuller and Narasimhan 2014), women's entry into the labor market continues to include an onus that they do so in respectable, status-retaining ways (e.g., Radhakrishnan 2011). Particularly, under the nationalist construction of the "global," the boons of global work (i.e., monetary rewards, independence) have been intertwined with signifiers of moral doom. To access the boons without penalty and achieve success in the global labor market, research suggests that most women have had to actively perform the embedded expectations of their middle-class identity by committing to sexual nonpromiscuity (Nadeem 2009), family responsibility (Patel 2010), and austerity (Lukose 2009; Radhakrishnan 2009).

As I illustrate in this book, the women in my sample—a demographic of urban, middle-class women who attended competitive law schools and joined high-paying firms—were less likely to perform within these confines of middle-class consumption and praxis. For many of the women in my study, class background was relevant for the performance of a cosmopolitan professional culture, but that performance did not always require them to uphold the standard expectations of their class. At the same time, their class advantage had its own circumscriptions, and women with similar class backgrounds were subject to different forms of pushback depending on the organizations they were in. As a result, even with similar caste and class advantages, women lawyers in new and elite law firms had very different lived professional lives from their peers who worked in more traditional legal practices or in modern consulting firms. Together, these similarities and differences in their lived experiences, especially against the backdrop of other professionals in the country, offers new insights into processes of global mobility.

In particular, by using the comparative case of women in management consulting—a site that is similar in professional prestige and organizational demands to these law firms—this book illuminates the ways in which caste and class alone do not explain the unique position this subset of women lawyers enjoy. Although women in all kinds of elite firms were buttressed by positional advantages, women in consulting firms continued to experience their environments as stifflingly gendered despite organizational commitments to change the culture, but they deemed this "understandable" given the Indian context. None of which is to suggest that the law firms that are at the core focus of this book are nongendered—in fact, over the course of this book, I'll argue just how very gendered they still are. But in offering spaces of relative parity and posture-able nondiscrimination to their inhabitants, this book suggests that they have produced a set of interrelated, if compromised, feminist path dependencies. Shielded from the need to defend their actions as gendered (which might have attracted backlash, or seemed polarizing), certain law firms instead have managed to offer spaces where, despite not meaning to do gender differently, there exist early institutional blueprints for sustainable demographic parity.

This book describes the range of conditions—each, as I will argue, incidentally conceived—that came together, in this case, without intention, to nevertheless produce these demographic parities for elite women lawyers. From schools that were set up to produce elite social justice lawyers, and then happened to emerge alongside market liberalization and the conception of new transactional legal practice; to frameworks of essentialism and familial responsibility that incidentally get queered to offer different kinds of relational rewards, this book reveals a set of cascading reasons that came together to produce unexpected parities and offer unintended agencies to a certain cohort of women but not others. Of course, in revealing these conditions, this work hopes to start a conversation about a set of bigger questions: If gender parity is produced without an agentic movement or institutional sanction, is it still (or was it ever) feminist? And should the steep costs of “good” outcomes keep us from celebrating them? When a set of unintended conditions results in seeming equality, is it desirable or is it dangerous?

Gendered Mobility and High-Status Work: Locating the Surprise of Parity

In 2012, more than half the lawyers elevated to partnership at two of the largest law firms in Mumbai were women. Not only were women entering these firms at the same rate as men, they were being retained and advancing at similar rates to their male peers. This finding was an empirical anomaly within the predominantly male Indian legal profession. But it was also a pattern in utter contrast with accounts of gender in professional work more generally.

The legal profession in India has traditionally been male. Although the country enacted legislation as early as 1923 to admit women to the bar, the number of women has remained low.¹⁰ And despite some optimistic predictions that a gender-equal profession was imminent, women represent less than 10 percent of all lawyers by most predominant accounts.¹¹ Ethan Michelson's comparative demography of the legal profession (2013) suggested that the number of women who self-identify as lawyers in census data is about 5 percent of all lawyers—which is about half the number of women recorded in bar council admission records for a similar time period (table 1). This might be explained by the number of lawyers technically enrolled in the bar who do not practice law—a demographic slip that is common in these data.¹² Nevertheless, even the most optimistic of these numbers reflect the relative lack of gender parity in the Indian legal profession more generally.

To the extent studies on gender in the legal profession exist in the country, case studies in smaller courts (e.g., Sethi 1987; Nagla 2001; Sharma 2002) confirm expectations from the broader literature on women and work in India. Most women in these studies were young, unmarried, and from forward caste¹³ communities (Nagla 2001) and continued to encounter strong gendered

Table 1. Male and female advocates enrolled with state bar councils (March 31, 2007)

State Bar Council	Men	Women	Total	% Women
Andhra Pradesh	58,147	9,605	67,752	14
Assam, Nagaland, etc.**	9,703	2,022	11,725	17
Bihar**	89,594	3,043	92,637	3
Chhatisgarh	10,000	4,949	14,949	33
Delhi	30,000	8,549	38,549	18
Gujrat	38,586	9,208	47,794	19
Himachal Pradesh	4,680	741	5,421	14
Jammu and Kashmir	2,832	597	3,429	17
Jharkhand	5,407	485	5,892	8
Karntaka**	37,861	6,756	44,617	15
Kerala	30,000	6,437	36,437	18
Madhya Pradesh	60,000	9,208	69,208	13
Maharashtra and Goa	78,522	5,636	84,158	7
Orissa	31,000	6,993	37,993	18
Punjab and Haryana	42,411	4,265	46,676	9
Rajasthan	35,000	5,823	40,823	14
Tamil Nadu	46,575	5,902	52,477	11
Uttarakhand***	359	76	435	17
Uttar Pradesh*	195,780	6,000	201,780	3
West Bengal	50,000	2,261	52,261	4
Totals	856,457	98,556	955,013	10

Source: Bar Council of India (no longer publicly available on website, last accessed 2009).

* March 31, 2006.

** December 31, 2006.

*** March 31, 2007.

expectations as they navigated the profession (Sethi 1987:46). Mishra's 2015 study offered a slight nuance with respect to the Lucknow High Court—there were still fairly few women at the bar, but they were enrolling in larger numbers than ever before (3 percent of all registered advocates between the years 1962–1997, compared to 12.3 percent in 1998–2005).

These gendered barriers to litigation practice are confirmed by more recent accounts as well. They are—unsurprisingly—steeper in higher levels of practice. Women are sparsely represented as judges (tables 2a, 2b), senior counsel (figure 2), or bar council office bearers (figure 3). For example, only five of the 397 senior advocates in the Supreme Court of India between 1962 and 2011 were women (Makhija and Raha 2012). And for the few women

Table 2a. Men and women judges by court (2018, historic)

Court	Current (2018)			Historic*		
	Total	Men	Women	Total	Men	Women
Supreme Court of India	24	22	2	205	200	5
Delhi High Court	35	27	8°	162	147	15
Calcutta High Court	37	31	6	41**	39**	2**
Madras High Court	62	50	12°	38**	37**	1**
Bombay High Court	69	59	10°	398	391	7

Source: Court websites of the Supreme Court and High Courts.

* Note that all historic totals include judges appointed in a given court (who were not sitting judges in 2018). The historic timelines of appointment vary by court and start at the year the first judge was appointed: i.e., Supreme Court (1950), Delhi High Court (1966), Bombay High Court (1862), Calcutta High Court (1862), Madras High Court (1862). Note that Bombay, Calcutta, and Madras High Courts were pre-independence courts, whereas the Delhi High Courts and Supreme Court were post-independence courts formed after 1947. Housed in presidency towns, the Bombay, Calcutta, and Madras High Courts were established by Queen Victoria's letters patent under the Indian High Courts Act 1861.

Until late 2018, the current sitting chief justices in Bombay (Acting Chief Justice Tahilramani), Delhi (Acting Chief Justice Mittal), and Madras (Chief Justice Banerjee) High Courts were all women. They have since been replaced by male justices.

** Official court websites give data only about past Chief Justices.

Table 2b. Historic Gendered Representation of Professionals (2002)

Category	1961		1971		1981		1991	
	Male	Female	Male	Female	Male	Female	Male	Female
Judges and Magistrates	98.4	1.6	98.9	1.1	97.8	2.2	97.1	2.9
Legal Practitioners and Advisers	99.3	0.7	99.0	1.0	95.4	4.6	93.2	6.8
Legal Assistants	99.2	0.8	99.9	0.04	98.8	1.2	98.9	1.1
Jurists and Legal Technicians	99.0	1.0	99.9	1.0	98.9	1.1	98.3	1.7

Sources: Nagla (2001: 77); Sharma (2002: 96).

in these positions, systems remain deeply problematic. Indira Jaisingh, the first woman to be designated as a senior advocate by the Bombay High Court (which has bestowed this distinction on only five women in the last three decades), has gone on public record describing a culture of deep sexism in the courtrooms¹⁴ and is currently leading a challenge against sex discrimination before the Supreme Court. Further, despite their growing representation in law faculties, women still occupy few positions of power in academia,

UNEQUAL DISTRIBUTION

Men/women designated senior from 1992–2005/after 2005 at three top courts. Until 2005, only one woman was designated at the three courts. After then, the percentage has risen.

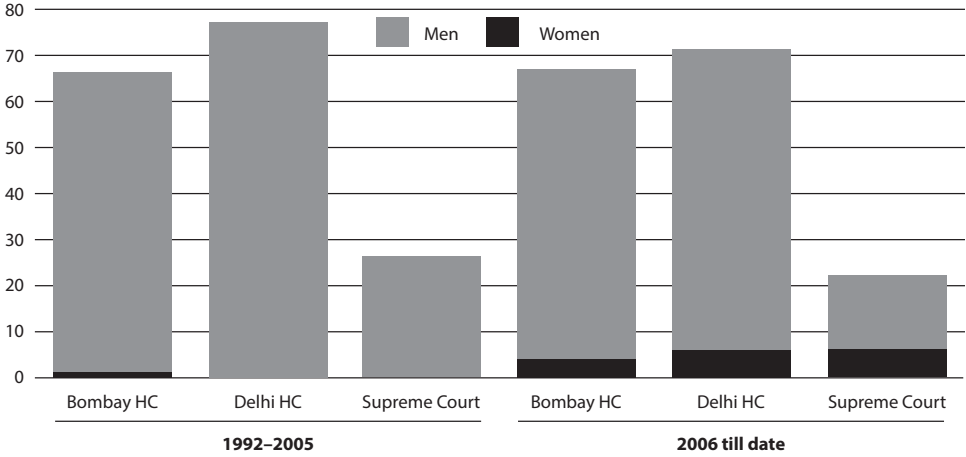


FIGURE 2. Gendered Representation of Senior Advocates.

Source: Kian Ganz, Legally India, July 15, 2015.

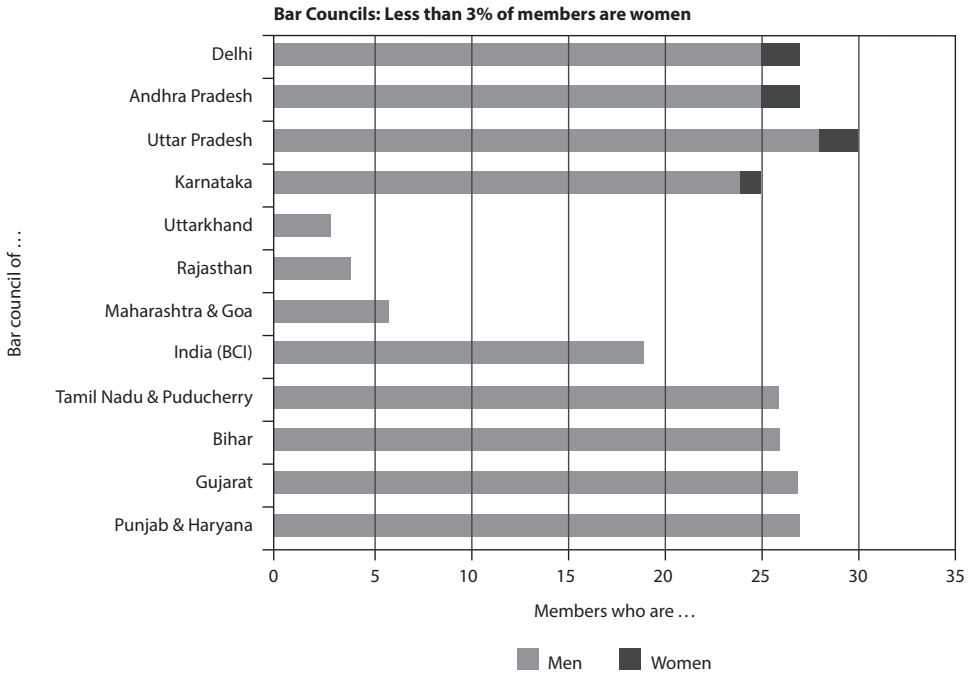


FIGURE 3. Gendered Representation of Bar Council Officers.

Source: Legally India, July 12, 2016.

even (indeed especially) in new elite law schools (Ballakrishnen and Samuel 2020).¹⁵

Yet the fortunes of the elite lawyers I studied were not just in utter contrast with India's legal profession. They also stood in contrast to broader accounts of gender and professional work in India and globally. Broadly, the feminization of any workforce—that is, the increasing number of women in any line of work—can be explained in two broad ways. The first is a purely functionalist efficiency argument grounded in micro-essentialism (for a review, see Charles and Bradley 2009): women are thought to be better at different tasks; the skill sets needed for certain jobs are coded as female even in otherwise male workspaces (for example, secretaries in traditionally male, hierarchical companies); and as a result of this gendered call for specific skills, women are advantaged to a limited extent within these occupational spheres (Reskin 1993). The second explanation for feminization is that an occupational field or subfield becomes disregarded or devalued because it is low-prestige or no longer professionally “pure” (Sandefur 2001). In other words, women (and other minorities) have better access to lower-prestige jobs that high-status actors—i.e., men—do not want because they have access to higher-prestige work (England 1992). In addition to the gendered pipelines getting people *into* jobs, it is also important to consider what happens once women are *in* these jobs. And here too, women are disadvantaged. Women are less likely to have access to high-status work and, simultaneously, work that gets more feminized is more likely to be deemed less prestigious. Of course, not all work is predetermined to be feminized across all contexts, and in professional industries like IT (in India), a kind of “gender neutrality” offers women the opportunity to enter and be empowered if they so choose (Mukherjee 2008). Still, as Upadhyia has illustrated in her work on IT professionals, these measures of neutrality are often performative: although software companies try to have “women-friendly policies” like flexible work arrangements and special mentoring, they nonetheless halt women in their careers because much of women's lives outside of work remain unchanged (2016:156). It is not just that the work of managing children and family pressures continues to demand women's time, it is the constantly recurring demand (both within and outside of work) that women make choices that reprioritize work which in turn shapes their careers. Upadhyia's account tracks with my own general findings in the consulting industry, another similarly set up MNC model of work: the discrimination, even when covert, is not coded as such because of the range of overt structural conditions that are established to recruit and retain women. Nonetheless, women's success is not guaranteed because it is expected that they will eventually and inevitably choose to leave, which results in their not being seen as “long term investments” (2016:158). This habitus, Upadhyia argued, pushes women to the bottom of their professional ladder.

As a result, most accounts of women and work revolve around work that is either seen as “female work” (e.g., in “care work” industries) or otherwise low prestige and underpaid. And this is even more true in sites outside the global north. Unlike traditional class analysis, which was notorious for not paying attention to gender (e.g., Goldthorpe 1983), recent research on global economic mobility has been much more conscientious (Sassen 2000; Torche 2015; Donner and Santos 2016). But it is not surprising that in these nuanced accounts of women and work, especially in the context of international development and progress in the global south, the focus remains (if not more concentrated) on these sectors. In India, for example, the studies on women and work outside of agriculture have been primarily concerned with informal and low-wage employment (e.g., Raju and Bagchi 1993; Paul 2009; Swaminathan 2012; Agarwala 2013). This book does not seek to take away from the important work that has unpacked the layered relationship between globalization, work, and gender. But studying these elite sites through the same lenses of labor and development does not do justice to the myriad ways in which these spaces can be interrogated.

With the advent of liberalization, there have been some studies examining the different types of work becoming available to women, but these too have been largely confined to routine, segregated, and task-intensive labor (Mukherjee 2008) within sectors such as IT (e.g., Jhabvala and Sinha 2002), outsourcing (Patel 2010), foreign export (Jeyaranjan and Swaminathan 1999), and telemarketing (Gothoskar 2000). The limited research on professional workforces tends to confirm an essentialist prejudice behind feminization in select family-friendly subfields like OB-GYN for female doctors (Sood and Chadda 2010), “customer relations” human resource positions for female managers (Gupta et al. 1998), or communication-related managerial posts for female engineers (Patel and Parmentier 2005). For instance, Patel and Parmentier (2005) show that female engineers in India from elite engineering schools (Indian Institutes of Technology or IITs) continue to be relegated to the periphery of organizations and that they lag significantly behind their male peers in earning power. The number of women matches and sometimes surpasses the number of men in entry-level managerial positions, but women advance much more slowly than their male peers who started with them (Kumar 2001). Further, women face strong entry constraints (Desai 1977), fewer opportunities for intra-organization training and education (Buddhapriya 1999), a resistance to women in positions of power (Nath 2000; Naqvi 2011), and an overall male bias (Gulhati 1990), even among managers who think of their organizations as meritocratic (Gupta et al. 1998; Gupta and Sharma 2003). In addition, the women who do enter these professional tracks are subject to persistent gender role expectations and penalties for deviance, forcing them to perform, a form of “neoliberal respectable” femininity” (Radhakrishnan 2009; Freeman 2015). I review this literature and its implications,

especially as it applies to patterns in lawyers' professional mobility, in other parts of this book, but I highlight these broad narratives here because it is against this backdrop of relative impossibility that my findings about successful women professionals in prestigious legal firms take shape. This is not a book that focuses on gender and globalization from a top-down emancipation narrative.¹⁶ In interrogating professional elites, rather than laborers or even middle-class, white-collared, salaried employees, this account offers a different view of the relationship between gender, globalization, and mobility. Key to this difference is that these women, as I show in the next chapter, are not confined to many of the relationships between modernity and mobility that have plagued their predecessors and even peers.

Of course, there is no way to understand these findings as emergence from impossibility without taking into account the embedded intersections that produce such possibility. It is self-evident that no writing about gender is complete without acknowledging its intersections with other sorts of inequality. And it is here that the comparative case of management consultants, as I explain below, offers a chance to unpack the relative limits of these mechanisms and to further highlight the particular workings of class for elite women lawyers, and the complications it presents to our understandings of mobility. As other stratification theorists following the tradition of Bourdieuian social topography have argued, class is never just economic. Access to social capital and the ability to display it impacted outcomes for the women in my sample, especially in terms of the assumptions of cultural fit (chapter 2), interactions with like-minded peers (chapter 4), and the kinds of embedded structural advantages they had to buttress their professional experiences (e.g., access to domestic help and urban family networks who could help with family care, chapter 5). But their mobility experience and cultural praxis, I suggest, were simultaneously also impacted by interactional performance and organizational possibility that was predicated on a range of regulatory processes incidental to these individual level outcomes. And it is to these macro factors that were central to this project's emergence that I turn to next.

Framing the Accidental: The Advantage of India's Legal Profession as a Research Site

In the glass-lined office where we had our interview, Sitara seemed native to her environment—her suit tailored to fit, her matte black pumps revealing that she was not going to walk on a cramped Mumbai road to catch the train. Yet, when I asked her if this had been the future she imagined as a little girl, she reminded me that corporate lawyers were “just not a ‘thing’” when she was young. The fact that being a corporate lawyer was not a “thing” for young Sitara is the same fact that motivated the research in this book. Over a two-decade period following India's liberalization reforms in 1991, the country's professional landscape

completely changed, offering a useful theoretical lens through which to observe larger sociological questions about change and persistence.¹⁷ Unlike kids who dreamed of becoming cardiologists and mechanical engineers (doctor and engineer were common, almost obligatory choices for ambitious students in India), young Sitara couldn't have known she wanted to be a corporate lawyer (to the extent that any child knows they want to be a corporate lawyer, that is) because that career trajectory did not exist before the turn of the new century. Law firms like the ones where I conducted interviews—locale-agnostic spaces featuring expensive art, cellophane-covered swirly mints in conference rooms, and foreign and local clients alike in dark business suits—did not exist at all before the mid-twentieth century, much less take the form of lockstep partnerships located in multi-floor, multi-city law firms in “business districts.”

Market dynamics have been central to our understanding of micro-processes like professionalism and organizational change (Evetts 2003). Market globalization, in particular, has offered new research incentives to scholars interested in the transnational ramifications of the legal profession (e.g., Faulconbridge and Muzio 2008, 2012; Liu 2008; Dezalay and Garth 2010; Wilkins et al. 2017; Abel et al. 2020). A similar theoretical purchase motivated the research in this book. In 1991, the Indian government, in response to a payment crisis, initiated a process of economic liberalization and market deregulation (Nayar 1998). These reforms had important financial and currency implications, and they were central to shaping the scope of India's professional service sectors because they introduced the gradual privatization of predominantly state-run sectors and the liberalization of foreign direct investments and trade. Following these reforms, India witnessed the entry of multinational professional firms and the emergence of new professional services (e.g., management consulting) alongside older professions like law, accounting, and banking. But even among existing professions, liberalization brought about organizational changes, and new kinds of firms began to emerge alongside individual and small-group practice. This new way of organizing professional work was crucial to the design of this research because it offered insights into the emergence of new kinds of work and, particularly, a cohort of what other scholars have termed “elite workers” (Portes 2010:106). To the extent that it exists, research on professionals in the emerging world either focuses on these workers as new, unsure inhabitants of a global market economy or sets them up as predetermined heirs of this new status because of their own inherited capital. In contrast, the professionals in this book were early incarnations of a new sort of cosmopolitan actor. As I detail in chapter 1, they were not an ascription-driven superclass of global elites (Khan 2012), but neither were they conflicted and unsure new entrants to these spaces. Instead, they were a cohort of domestically educated, middle-class bred, first-generation professional elites who were becoming consumers of elite spaces, networks, and markers as a function *not* of their origin, but rather of their relationship to

global capital and networks. This is perhaps not the first example of neoliberal mobility following a macro regulatory change in an emerging country context,¹⁸ and this is certainly not India's first class of intellectual elite who have been able to access new mobility in a single generation.¹⁹ But to the extent it is gendered and related to modernity and middle-class morality in this particular way, this case is unique.

As I elaborate in chapter 1, two specific consequences of liberalization reforms were central to this project's research design because they offered purchase for analytical sampling across cases (Yin 2003). First, while some professional practices like litigation remained unaffected by liberalization measures (Galanter and Robinson 2014), others, like international transactional law and management consulting, only emerged as a consequence of the foreign direct investment that liberalization permitted (Galanter and Rekhi 1996). Liberalization brought a considerable influx of foreign investment and capital which in turn sparked a need for new kinds of transactional professionals to service this influx. Second, in addition to new kinds of work, market liberalization also introduced new kinds of work *and* workplaces. India had no local offices of multinational consulting firms before 1991. To the extent they existed, ad hoc local independent consultants worked across a range of industries essentially as freelancers before liberalization with no formal connections to global firms. But the main industry players following 1991 were global professional services whose emerging economies practice included offices—and therefore, a new workforce—in India. In contrast, although many elite Indian law firms had been founded in some form (usually as family businesses or practices) before market liberalization, they emerged into their current form—as sophisticated, full-service, “big law” firms with “open” partnerships that included actors beyond closed circles—following these 1991 reforms (Gupta et al. 2017).

And here too, other regulatory conditions offered case variation. While most elite professional service sectors such as banking and management consulting are organized like standard MNCs, with international investment and firm organization, the Advocates Act (1961) restricts international investment into the Indian legal profession and forbids the “practice of law” by non-Indians.²⁰ This produced a unique organizational and service circumstance: the significant influx of foreign capital and the absence of local competition meant that large domestic law firms had a fertile opportunity to evolve as a “one-stop shop” for commercial matters (Galanter and Rekhi 1996; Krishnan 2013). As Gupta et al. (2017:49) argued, this “milieu provided the space, opportunity, and demand for law firms to emerge as indispensable service providers to the major domestic and foreign players in the Indian economy.”

Despite such crucial regulatory differences, these various new kinds of professional service firms also shared important similarities: elite law and management consulting firms were both similarly exclusive when it came to staffing, they paid high salaries, were considered highly prestigious, and

recruited incoming cohorts of successful candidates from elite national law and business schools. At the same time, they varied in many ways—they were differently managed, they valorized different tasks as crucial to their professional identity, and they serviced different kinds of clients. And, as I detail below, each of these variations revealed itself to be significant in the creation of differential contexts for the professionals who worked there.

[ACCIDENTAL] DESIGN AND CASE SELECTION

This research benefited from its multi-year design, which allowed an iterative analytical process not just between data and existing research but also between data collection and analysis before subsequent rounds of comparative sampling (Yin 2003). When I began this project in 2011, I planned to do a qualitative study about the experience of lawyers in neoliberal professional service firms.²¹ Like other researchers (Pratt 2000) inclined to inductive organizational research, I was interested in elite Indian law firms because they were an extreme case ideally situated for building theory through qualitative research. As firms structurally cut off from direct Western influence but still responding to the large market for international legal services, I saw these firms as prime sites to investigate firm emergence and experience during a transitional market, especially as juxtaposed against more traditional kinds of legal practice. From this initial data, an emergent theme was that of gender “not being an issue” among professionals in newer law firms. Subsequent interviews (2012–2013) specifically probed ideologies around gender and paid attention to the experience of gender in the workplace. In both these stages of the project (2011, 2012–2013), I used variations in emergence before and after the 1991 liberalization to make sense of the ways in which novelty enabled professionals in the Indian case to navigate their environments. As I described earlier, this focus on novelty was initially guided by the variations in organizational emergence that the 1991 reforms offered. However, upon analyzing the relevance of the gender finding, I found it was also useful to test the proposition that new kinds of work environments could offer the potential to renegotiate rigidly set background assumptions about gender (Ridgeway and Correll 2004; Ridgeway 2011). Extending beyond the empirics of Western organizations and career outcomes that grounded this theory (e.g., Smith-Doerr 2004), this research was broadly refocused to ask: What kinds of negotiations are possible at the individual level following drastic labor market changes?

Following these theoretical and empirical motivations (Eisenhardt 1989), I chose to focus on two sites that showed this variation in organizational structure and the nature of work across firms. The *first* was the case of traditional litigation practice that was still organized in pre-1991 fashion around individual practitioners or small partnerships. The *second* was the case of transactional law firms created after the 1991 liberalization that worked on new kinds

of transactional work (e.g., mergers and acquisitions, capital markets, and international banking). In addition to doing different sorts of work (i.e., kinds of practice), the two types of firm centered on different tasks as well. Traditional litigation practice in India involved drafting and appearing on behalf of predominantly domestic clients in local and state courts as well as limited advisory work on specialized areas. In contrast, the post-1991 corporate law firm model was set up to respond to a need for Indian lawyers in commercial transactions. Although many of these corporate firms also worked with litigators, their predominant practice was to advise, consult, and negotiate on behalf of sophisticated corporate clients who often brought repeat business. I also interviewed lawyers in elite but traditionally organized litigation practice in order to evaluate the advantage of new sites (Ridgeway 2011). From my interviews and observations in the field, it became clear that newer firms were indeed impacted by globalization and that women in particular experienced their careers very differently in these new firms.²²

In 2013, when it became clear from the first two waves of analysis that novelty of work and organizational structure alone could not explain the variations observed in different organizations, I decided to add a *third* site to the project, allowing me to focus on relationships between the local and the global via clients and organizational structure. This was not to change the focus of the research project—which remained very much centered on legal professionals across sites. The impetus for this addition of a third site was not motivated with the intention to offer a comprehensive account of another field, nor was the attempt to make the comparison comprehensive in all aspects. Rather, it was motivated by a particular strategy of research design rooted in empirical variation to offer explanations for underlying mechanisms. While the comparisons in the early part of the project were useful for teasing out mechanisms of novelty, they were all cases within the legal profession that were necessarily domestically owned and managed. I theorized that if novelty was indeed what was behind the difference between women in older litigating practice versus those in new kinds of transactional law firms, then other kinds of new firms ought also to expose their inhabitants to similar surroundings. However, a scan of the management consulting sector—an equally prestigious professional field that was also “new”—revealed that women did not enjoy the same kinds of representation there as in the new law firms. This offered the extension for the preliminary hypothesis that novelty was the only mechanism at play, and that varying some of the other site characteristics could offer analytical purchase. My theoretical impetus for choosing a third case was to introduce variations in organizational factors like ownership, management, and external audience (i.e., clients). I was particularly interested in the differences between external-facing domestic firms and internal-facing international firms (table 3). Pursuing this line of sampling offered useful analytical variation since transactional law firms were, as I describe above, domestically man-

Table 3. Indian professional service firms: Management and clients

	External-facing clients or transactions	Internal-facing clients or transactions
Externally owned or managed	Process outsourcing	Consulting, banking, accounting services
Internally owned or managed	Elite law firm	Domestic law firm, litigation

aged while servicing international clients. In contrast, the *third case* of management consulting firms was set up in a classic MNC model—i.e., as local firms of global conglomerates that dealt with local clients and transactions. To explore this intuition of theory following method further, I conducted these interviews in 2014–2015. The three sites, as I explain in the previous section, were similar enough to warrant comparison in that they were all highly prestigious work sites with professional entry requirements (table 4). But their structural variation (in organization, nature of work, and external audience/clients) offered a triangulated research design for understanding the ways in which these variations impacted cultural understandings about work and workers.

I deal with the differences in these global and local synergies across sites in the next chapter, but it is worth mentioning that although it is not the focus of this research, the IT sector offers an important juxtaposition against which to consider the globalization of the sectors I focus on in this book. Even for the casual observer, the explosion of the IT sector has been the capstone of globalization in the local professional landscape.²³ While professions like law, accounting, and consulting have been influenced by global forces to varying degrees, none of them have been to the same extent as in the IT industry, just in terms of scope.²⁴ Altogether, IT has been central to the cultural revolutionizing of the idea of global “work” in the Indian context²⁵ and for young graduates especially, global IT firms and career paths have become prominent sites to invest their aspirational capital. The impact of globalization on emerging country elites, especially in terms of understanding the systemic reproduction of internal hierarchies, has been well documented (for examples across different international adaptive contexts, See Dezalay and Garth 2002). However, the case of IT work in India has offered pertinent nuance to this reading: as a movement not restricted to just the elites, it has meant a reorientation of India’s newly mobile middle class (Singh 2009; Nadeem 2013). Recent global attitudes research (Milanovik 2013) has shown that the main “winners of globalization” have been middle classes of emerging market economies. And as a fiscally profitable sector not riddled with traditional bureaucratic practices, India’s IT sector has become the core destination for middle-class college aspirants keen on collecting on these rewards. But this kind of “mainstream work

Table 4. Comparison of Cases

Case Dimensions	Traditional Litigation	Consulting	Elite Transactional Law
<i>Commonalities</i>			
Type of professional	Professional degree	Professional degree (predominantly elite)	Professional degree (predominantly elite)
Status of profession	Varied	High	High
<i>Differences</i>			
Organizational structure	Old Individual practice, partnerships	New Global MNC firms, local Indian offices	New Domestically managed firms, lockstep partnerships
Predominant nature of work / transactions	Old Court appearances	New Advisory, transactional	New Advisory, transactional, negotiation
Clients	Old Domestic clients, traditional	Old Domestic clients, traditional	New International clients, large domestic conglomerates

globalization” (Ballakrishnen 2016) is distinct from the more niche professional service industries like management consulting and law, the two main professional fields I deal with in this book.

MAKING SENSE OF THE SURPRISE FINDINGS: ACCIDENTAL FEMINISM

In unpacking this finding of elite lawyers in India navigating their new, seemingly egalitarian workplaces, this book pays homage to the exception represented by these women’s success while simultaneously assessing the incidental costs of that success. As I argue, many factors came together to offer the lived possibilities that the women in my sample were able to experience. At the most abstract level, some part of the divergence in lived experience might be explained by the novelty of their environments, as I detail in chapter 2. Not that novelty in and of itself could produce “good” gendered outcomes (to the extent parity is a “good” outcome, yes), but the new kinds of work in this context allowed a fresh possibility for renegotiating the imagined ideal workers who could perform this work. And, unlike most of the legal profession, which was steeped in gendered scripts about the actors who were best positioned to do this work, elite transactional firms offered a new exit from old frameworks. As I argue throughout this book, these firms were not set up to curate

progressive possibility for the lawyers they recruited, and within them there certainly was not an active culture that offered an articulated set of advantages to women. But as professional spaces with a *lack* of the explicit *disadvantage* rampant in the rest of the profession, these firms afforded a new chance at professional possibility, especially to graduates from new elite schools. This in turn allowed the actors within the space a shot at a special kind of circumstance negotiation that went beyond the context of mere emancipation to actual class negotiation and consciousness. Much of the research in the lineage of unpacking unintended consequences (Merton 1936) focuses on well-intentioned policies that ultimately result in divergence that goes against the spirit of the initial intention. In research on women and diversity in STEM fields, for example, Erin Cech and colleagues (Cech et al. 2011; Cech 2015; Cech and Blair Loy 2019) unpack a range of cultural mechanisms of inequality production, to show how innocuous or even good cultural practices and beliefs can produce bad outcomes for minority actors. These set beliefs of what “good workers” can do help frame our understandings of accessible equality, especially within well-intentioned narratives. But what about the reverse—what about innocuous or even bad cultural practices that inadvertently allow institutionally fertile spaces to nurture good outcomes? What do we do with those outcomes and what do we do with the possibilities of such equality?

The particular impacts of globalization on professional work is a theme that frames much of this research. But the actual mechanisms at play in producing the lived experiences of the actors I study are more nuanced and interconnected, even as they work within the ambit of macro-processes. This book makes a recursive, layered argument over the course of four empirical chapters that illuminate a range of structural conditions at play in creating this unexpected parity in elite law firms but not in other similar sites. It is this exceptionalism that grounds the empirical core of this book. In the first empirical chapter (chapter 2), I explore the role of institutional novelty in moderating the experience of gender. I show how the emergence of the Indian elite law firm has been uniquely shaped by the newness of the work and the organizational structure—as well as a new, neoliberal workforce not found in other professional firms of similar status. Gender theorists and social psychologists (e.g., Ridgeway 2011) have theorized about the disadvantage preexisting frameworks pose for those attempting to negotiate entrenched hierarchies, and the limited advantages offered by newness. I find that as new firms doing new work, these elite law firms are indeed advantaged by being able to escape strong preconceived notions of work and identity. In addition, the newness of the law *schools* that socialize these firms’ workers contribute to the firms’ multi-layered advantage, an advantage not enjoyed by other firms that are similarly structured by globalization (i.e., management consulting) but that draw their workforce from more long-established educational institutions (like older engineering and business schools). Ultimately, I show how globalization

and class come together to renegotiate traditional assumptions of gender and the framework of an ideal worker. I argue that the gender outcomes in these firms result not from a movement for gender equality, but instead from the emergence of the Indian law firm as a new site of high-prestige global labor.

The second empirical chapter (chapter 3) explores a set of organizational conditions that have helped establish gender-egalitarian outcomes in these professional firms—particularly, in that these firms are new *domestic* firms struggling for legitimacy in a global market for legal services. Indian law firms, unlike other neoliberal industries in the country, are domestically founded and managed. I show that this unique structural premise forces them to use two distinct logics of emergence. First, firms use a *differentiation logic* to distinguish themselves from traditional firms that foreign clients are likely to see as “traditional” and kinship based—and therefore not modern and sophisticated enough. Second, they use a *mimicking logic* that mirrors global processes to aggressively signal compatibility and likeness with their global peers.

I argue that emerging in a context of questionable legitimacy leads these internally managed (but externally facing) firms to signal their modernity in various ways. One way they suggest that they are “just like global firms” is by not overtly discriminating on the basis of gender. Their emphasis on nondiscrimination is particularly intentional; while banking and consulting firms may be similarly committed to gender equality, at least on the surface, as local offices of large multinational conglomerates these firms are already globally legitimate. Law firms, on the other hand, see their nondiscrimination as an explicit function of being modern and meritocratic. Meritocracy is notorious for seeming fair while resulting in inequalitarian outcomes. But in the Indian case, this lack of discrimination constructs an oasis of egalitarianism in an otherwise hostile legal profession, leading the women who join these firms to stay there. I posit that the reason for these seemingly feminist workspaces is not so much a function of agentic effort on the part of the firms, but instead, an emergence riddled with *speculative* isomorphism, where firms, in order to aggressively signal competence and modernity, mimic and replicate what they believe to be global ideal types of egalitarian order.

These imagined workings of globalization are premised on very particular interactional conditions. In chapter 4, I tease out the ways in which relationships between female professionals and their clients, peers, and mentors help create and reinforce interactional hierarchies in these spaces. Certainly, professionals in these firms have been socialized to be comfortable in mixed-gender settings. But although supportive peer interactions are necessary to create an environment of gender parity, women in elite law firms also are especially backed by an important external audience that does not actively discriminate on the basis of gender—their *clients*. Elite law firms in India, unlike their traditional counterparts, retain a “sophisticated” client base of international and high-end domestic clients. This setup affords a comparatively

advantageous position—especially for women lawyers—for a range of reasons. First, many clients are comfortable with women in their workplace and as allies in transactions. Whereas my respondents described clients from small domestic businesses as often being uncomfortable with women associates, they reported that gender was less likely to be a factor for clients of elite law firms. Second, the nature of the legal work handled by these firms (business, transactional) does not prime gender frames in lawyer-client interactions. Talking about transaction terms around a large merger, for example, is less personal than discussing the terms and conditions for a small family business. Women lawyers in smaller firms repeatedly described male clients who were hesitant to trust female lawyers with personal or familial transactions. In contrast, women in large elite law firms had the advantage of not priming intimate and personal conversations because they were working on more formal transactions. Third, the closed market for legal services offers another interactional advantage—retained and repeating clients. As retained counsel for most large transactions happening in the country, these firms do not need to explicitly recruit clients (which is often a gendered task). Together, these structural conditions—none of which has been put in place to consciously “do” gender differently—distinguish elite law firm interactions from those found in other elite professional spaces.

In the last empirical chapter (chapter 5), I trace the role of families and life course in determining the unlikely gender outcomes found in these large law firms. I show that, as one would expect, the origin families that most professionals come from are deeply homogenous (middle-class, high-caste, urban) but that similar class and caste advantages don't translate into gender advantages in other elite professional careers. I argue that the particular advantage of the legal profession is that the career trajectory allows for a more progressive work-family balance. In particular, women in elite law firms typically start their careers in their early twenties and are in a position to become partner in their early thirties—this timeline for promotion allows women to be in positions of power while they negotiate childcare and maternity leave, whereas women in other elite professions tend to be junior colleagues when they make agentic life course choices and are penalized accordingly. Yet, the fact remains that the structural career trajectory in these law firms was not introduced to make women more competitive candidates for partnership, but instead, emerged as a response to a concentrated, high-growth legal services market. In addition to this final condition of accidental feminism, I also highlight the ways in which this unprecedented success for Indian middle-class women in the workforce depends on two existing inequalities in the grander Indian system: a ready, caste-dependent labor force that supplies affordable housework support and childcare; and a penultimate generation of close female family members (mothers and female in-laws, mostly) who are not in the workforce and are available to provide free and ready household support systems.

Over the course of these four empirical chapters, I show that these four structural conditions have converged to create gender parity in ways that other, more targeted endeavors have failed to achieve. I argue from the perspective of each of these four different conditions that the creation of egalitarian gender outcomes in select firms is not straightforward or intentional but, instead, *accidental*, coming at the cost of other underlying inequalities. In particular, I suggest that gender parity in this system, while a welcome oasis, is not the result of a successful intervention to create egalitarian spaces. Instead, it is a function of several structural conditions that confound external factors of globalization and endogenous factors of class and gender inequalities. The overarching finding in this book, then, is that gender egalitarian outcomes can be created and supported without intention and that these forms of unintended parity are often buttressed by other inequalities and mechanisms of stratification. The unlikely case of the elite Indian law firm shows us how gender-egalitarian change is not just accidental or unintended but can also flow out of a conjuncture of seemingly minor and inconsequential institutional characteristics. Paying attention to these individual conditions as well as their unique overlay is at the core of this book's endeavor.



In many ways, that walk home on August 2013 after the interview with Sitara was nothing out of the ordinary. I would walk on that road many times before and after, resisting the smells from roadside pakora vendors, wedged between an overflowing street and a packed line of general stores that sold everything from newspapers and tobacco to the casual evening full-service shave and haircut. That particular evening though, I was full of the kind of research euphoria²⁶ that one can only feel for the briefest (but purest) moments in fieldwork such as this, and I was eager to get back to my computer in Matunga. I remember thinking it would be so much better if I just took a cab instead of waiting for the train that would take me four stops to my station and then walking another thirty minutes to get home. If I had not given in to that impulse, I would have been at the Lower Parel station, only a few meters away from the spot where, that same evening, a twenty-two-year-old photojournalist was violently abused by five men in the abandoned Shakti Mills compound.

The Shakti Mills gang rape, as it would come to be known, would loom large on Mumbai's collective conscience for the remainder of my fieldwork. It would poke holes in the city's proud identity of being a "liberal and safe" place for women, especially when compared to the capital Delhi, which in recent years had been the site of notorious gender-related atrocities and strong activist movements generated in their wake. At the time of the harrowing event, only a few blocks away, corporate "midtown" Mumbai was business as usual—negotiating, drafting, and closing transactions and brokering

multimillion-dollar deals in apparent oblivion. This is not especially remarkable. Such ironic juxtapositions take place across the world and they are hardly cause for documentation. What *is* of note, though, are the ways in which this event was dissected as an aberration in the days that followed and how women and men I spoke to acknowledged the tragedy but remained ambivalent about its impact on their own lives or assumptions about personal safety. “This *just* does not happen in [Mumbai],” one lawyer told me as we spoke in the back seat of their chauffeur-driven luxury sedan commuting between two meetings. What was perhaps closer to the truth was that this just did not happen to people *this lawyer knew* in Mumbai.

In writing this book, I remain willfully self-aware of the limits of its reach. This is a small section of women against the backdrop of a country still deeply imbued with difficult cultural understandings about women’s lives and worth. And it deals with a cohort of women who, despite being a small segment of the population, do not see themselves as such. At the same time, in offering an in-depth portrayal of the mechanisms that allow for this sliver of the population to flourish, this book challenges many of the dominant narratives around women, modernity, and mobility in a part of the world that has traditionally been introspected under very different conditions. Studying these emerging elites offers us an opportunity to engage with a different strand of this complex discourse.

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