Symposium on Early Career International Law Academia: Difficulties of an Early Female International Lawyer from the Global South

By:

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Voicing the struggles of the early-career female professionals (writers and academics for the purpose of this piece) might sound mundane, as our familiarity with the examples of many women (both real and fictional) who were unable to pursue their passion for writing or another career because of societal misogyny and family duties. (Think, for instance, Sybylla, a fictional character of a young Australian woman, from the work of Miles Franklin's, *My Brilliant Career*). We also are familiar with the fight for 'a room of her own' by Virginia Woolf drawing our attention to the internal battle a woman has to fight against the patriarchy and ideals of womanhood that involved being a perfect wife and a mother. However, 'a room of her own' (either physical, mental, or both) or

‘choice’ (between career and family) is mostly a fanciful idea t for women of the Global South. Our experiences and struggles are different and varied. Our difficulties do not arise just out of the patriarchy and cultural prescriptions, but are often coupled with poverty, disease, malnourishment, violence, and caste, to name a few. When these difficulties are voiced, they often get diluted as rhetorical and imitations of Western feminism. The genuine character of our struggles and the originality of our claims are the tests that we must take to shed the accusation of imitation. The ridicule of Westernization has been best described by post-colonial feminists as ‘triple colonization’ which means that we are colonized first by the colonial power, followed by patriarchy and then by Western feminists. When accused of such a mis-step, there is a massive watering down of our concerns. In the words of Spivak: ‘Can the subaltern speak?’

However, once we muster up the courage to stand independently from the West and speak, we, the women of the Global South, have our own tales of suppression and indifference. This, then, is a small write-up regarding the difficulties of an early female international lawyer of Global South academia. This may sound rhetorical, but the remissness and indifference towards it is all more reason for such a reiteration. A mere summary of our struggles may fail to fulfil the purpose of this piece, if a few adequate and pragmatic solutions are not offered at the same time. Generally, this type of contribution is often supported by the data and figures from a formal empirical recording, but this piece is an outcome of the informal discussions in the classrooms and among peers about their experiences in academia. Though the experiences and struggles are diverse, as they may differ in the details, gender is certainly one cause for such problems.

We have known the extent of patriarchal power and can say without hesitation that academia is gendered. International law academia is no exception to this. Mostly the problems of the women in their early career emanate from patriarchal structures (along with caste, economic position, etc.) within the institutions and academia. A woman is always the ‘other’ struggling to meet the requirements and standards both at domestic and professional levels. Such negative gender impact has led many women to developing imposter syndrome. The supposition that a woman (especially from the Global South) will prioritize her gendered roles (in family, work and society) over her career is

persistent and institutionalized social and cultural principle. The social and cultural pressures of starting a family and discharging the duties of a primary caregiver mean that a woman has to make a tough choice between career and family life. All of us in academia are aware that only a handful of women have accomplished their goals, and the number of women obtaining their doctorates and being successfully placed in academia is always disproportionate low. This ‘choice’ between career and family is undeniably gendered. Such choices are characterised as personal rather than social and as outcomes of institutional or societal inadequacies.

Formal neutrality practiced by academic institutions has further fuelled de-facto discrimination. The creation of a set of neutral rules and regulations does not reinforce equality but indifference leading to discrimination against a distinct group. This is the well-established concept of ‘disparate impact’, otherwise known as ‘facially neutral criteria’, where the neutral rules are grounds of discrimination. These gender-neutral principles are the premises upon which the appointments, tenures, promotions are made regardless of gender concerns. The consequences of formal neutrality often extend to the allocation of working hours, nature of work, work requirements, opportunities, number of leave days, to name a few. The lack of support structures to help women discharge caregiving responsibilities also contributes to the hard choices that we are forced to make. In this respect, academia is no different from other institutions: gender inequality in academia (including international law) is superficially addressed by only in two ways: first, by simply adhering to the principles of facial neutrality and, secondly, by providing for some minimal affirmative action. A few examples of the first type of measures are post-doctoral fellowships to be applied for within a specific period, research fellowships, research grants, projects, memberships and participation in international associations. These are a few domains where formal neutrality is mostly practiced. The programs or financial assistance that are generally reserved for women (but not specifically for the intersectional categories like the women of the Global South) is an example of minimal affirmative action from academia.

Critical international legal scholarship, particularly Marxist, feminist and TWAIL scholarship, have long advocated for an egalitarian remaking of international law. The feminist critic of international law attacks the mainstream for being

perceived from a male standpoint. Putting it differently, for feminists, ‘human' means ‘man;, largely ignoring the lives and struggles of women or gender non-conforming people (as the feminism and queer theory branches from the same tree). These inequalities and imbalances are not merely because of ‘biological sex’ but the ‘gender’ and social aspects attached to the ‘gender’. Unfortunately, we cannot look for solutions within the feminist school of international law, as it is limited to normative and institutional structures, by and large ignoring its powerful influence on the academic community. The justness or fairness of a legal regime is not limited to the creation of a (supposedly) equal regime with a cliché of rights and liberties but with the creation of material conditions for its realization. The gendered perspective does not fulfil its purpose without the creation of such equal conditions in international law academia. The elimination of gender-based discrimination, however, appears to be a utopian dream, hence, emancipation through affirmative action seems more realistic. However, women’s emancipation or empowerment is not to be limited to the Western, liberal idea of individualism, but centres the whole group. In other words, development of the discipline is social, thereby a woman cannot take individual responsibility for this development when not placed in equal conditions.

Women of the Global South in academia do not expect platitudes of general supportive measures, but specific and distinct actions. These are multi-dimensional and range from creating an academic support system to dehegemonizing academia by accommodating us. Strong academic support groups and mentorship programs can contribute to this goal by providing career guidance to women who have had breaks in their careers. Counselling and capacity-building initiatives also have to be provided by such groups. Publication support also has to be provided by encouraging and guiding women. This not only provides us valuable opportunities but also enhances the diversities and critical thinking in academia. The post-doctoral fellowship programs have to be more accommodative by relaxing the age and time limitation. Currently, many such fellowships are limited to the applicants who have obtained a doctorate in the last 3-5 years. In this case, most women miss out on the opportunity as they in their early years of motherhood. Scholarship providers should also consider providing allowances in case of dependents. Preferential systems and reservation of places have to replace neutrality and reflect widely in the allocation of projects, research grants and fellowships.

Financial assistance, aid, and fee waivers have to be given to the women during their early careers. Simultaneously, institutions have to adopt measures towards gender sensitization and create awareness about sexism. Institutional diversity has to be encouraged by introducing necessary reservation systems. Similar kinds of affirmative actions for the intersectional gender minorities of the global south will go a long way in supporting us (women of the global south) to create our own academic space.

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