# Social & Legal Studies SLS-21-0174

1 pesan

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12-Aug-2021

Dear Dr. Halimatusa'diyah:

Your manuscript entitled "Does Gender Blindness Improve Gender Equality? Female Judges and Glass Ceiling Effect in Islamic Judiciary System in Indonesia" has been successfully submitted online and is presently being given full consideration for publication in Social & Legal Studies.

Your manuscript ID is SLS-21-0174.

You have listed the following individuals as authors of this manuscript: Kholiq, Achmad; Halimatusa'diyah, lim

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### Social & Legal Studies - Decision on Manuscript ID SLS-21-0174

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26-Oct-2021

Dear Dr. Halimatusa'diyah:

26-Oct-2021

Dear Dr. Halimatusa'diyah,

I write regarding your Manuscript ID SLS-21-0174 entitled "Does Gender Blindness Improve Gender Equality? Female Judges and Glass Ceiling Effect in Islamic Judiciary System in Indonesia" which you submitted to Social & Legal Studies. Your manuscript has now been reviewed by two members of our editorial board and you will find their comments at the bottom of this letter.

I am afraid that the reviewers have not recommended publication of your manuscript in its current form. However, there was sufficient interest in the manuscript that I can offer you the opportunity to 'revise and resubmit' in line with the reviewers' comments. Should you take up this offer, your manuscript will be subject to re-review. Although I cannot commit the journal to publication, I would be pleased to see a revised version in due course.

As you see from their comments, both reviewers thought the paper was engaging, but each offered suggestions for restructuring and refocusing it, including adding discussion about why a diverse judiciary is important, and about why the glass ceiling might exist in the first place. I agree that the paper would be stronger if these ideas were addressed, but of course leave it up to you to consider how best to do so.

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Once again, thank you for submitting your manuscript to Social & Legal Studies .

Yours sincerely, Professor Alison Diduck Reviewer(s)' Comments to Author:

Reviewer: 1

### Comments to the Author

The author presented an insightful paper into the reasons for a gender disparity in the Indonesian court system, especially as regards senior judicial positions. The subject of the paper would be of interest to readers of Social & Legal Studies. However, while I found the paper engaging, I do not think it is yet in a form that can be accepted for publication.

The author covered a lot of ground in the paper, and there were clearly a number of recurring themes throughout. At the moment I think the paper perhaps focuses more on the consequences of the glass ceiling, rather than the reason it exists. The consequences of the glass ceiling are interesting, but the reasons for their existence would tell us something about how to remedy the situation (if the author thinks a remedy is required). I wonder if the author would consider how the paper might be restructured to more systematically work through these themes in order to explain their significance individually, and collectively?

For my part, I would suggest reworking the paper around some key themes, clearly delineated by sub-headings, which demonstrate the glass ceiling/s created by gender blindness in the minds of judges, as well as the judicial appointment and promotions structures of the Indonesian judiciary and elsewhere. Sub-themes, based on what the author discusses in their paper, could include – religious expectations of women's societal / professional / familial roles and the intersection of these, societal (as distinct from narrowly religious) expectations of women's roles / occupations, familial / marital expectations, expectations / beliefs of senior colleagues involved in the appointments and promotions process (and, by extension, the role of legislative frameworks for promoting equality / equity of opportunity), expectations / beliefs of male judicial colleagues, and, crucially, women judges' own expectations and aspirations for their careers / lives in general. All of these appeared, from the work discussed in the paper, to be individually significant, and to collectively contribute to either creating various glass ceilings in different contexts, or numerous ways in which a single substantial glass ceiling is created and reinforced. The author knows the data best and may, of course, identify alternative themes.

The only other minor points I would note are:

- Could the author refer to the Global South / Global North instead of developing / developed countries as relevant in the paper?

- Could the author note that research / ethical approval for the research was obtained from their institution, and / or any other relevant approvals required to conduct the research (e.g. permission from the relevant judicial body or similar)?

### Reviewer: 2

### Comments to the Author

This is an interesting article about the "glass ceiling" effect for women judges within the Indonesian Islamic judiciary. It is an original study that uses quantitative and qualitative data (statistics and interviews with judges) to argue that despite a degree of formal gender blindness in the recruitment and training of judges (though what about pathways into the profession, eg through law school and beyond, are they also gender neutral but lacking in parity?), inherent norms and stereotypes prevail. Therefore, a lack of gender equality in how women are promoted and allocated work within the system is masked, and gender parity particular at high level positions is not being achieved. The paper presents some valuable insights, and was an engaging read. It would certainly be of interest to SLS readers. However it needs more work before it can be published here.

There are two main issues I would like to see addressed. The first is some engagement with the question of what difference more female judges on the bench might make, beyond the issue of representation. Much has been written about this, particularly in the context of Feminist Judgments Projects, about whether female judges in practice do or can come to different outcomes or use different reasoning etc than their male counterparts. This issue is touched on briefly when discussing how female and male judges might approach alimony on divorce differently (p18-19), but the broader question of what difference having more women on the bench might make is not properly addressed (bearing in mind that only some female judges will "improve" judicial outcomes, as stated on p19.) I think this is key to deepening understanding of why diversity on the bench is important - different perspectives and the discretion that can be applied through application of that perspective is a central part of the arguments for diversity. This leads to the second thing I think should be integrated and that is the work of Feminist Judgments Projects themselves, which is not mentioned. These projects interrogate what it means to be a woman as opposed to a feminist judge, and I think acknowledging the work of Rosemary Hunter and the words of many others (including Brenda Hale and Sonia Sotomayer) is important here. There is a burgeoning feminist judgments project Pakistan which might be especially interesting area for the authors to look at.

It would also be helpful for the authors to explain why it was important to interview both male and female judges, rather than just women about their experiences; and how the judges were sampled.

More minor issues:

Can the abbreviations in brackets after each interview quote be explained somewhere?

Some sentences/points needs clarified, and arguments unpacked a bit further, eg a few of the sentences in the last para on p8.

Does Indonesia still have the largest Muslim population? the reference is from 2007. Similarly the references on p8 are quite old.

What is the "global transformation of the legal system" (which legal system??) referred to in the intro? the sentence in which that phrase appears is also circular, saying the same thing three times.

Work on women judges referenced in the Intro could include Constance Backhouse's book on L'Heureux Dubé, and the edited collection on Bertha Wilson, by Kim Brooks.

Could an example be given from interviews re male judges thinking female judges are incompetent? (p17) The article also needs a really thorough proof read for english grammar and sense (eg the third sentence of the second para on p8 beginning "The important characteristics", and the last but one sentence of the last full para on p15, beginning "These merit based perspectives". Members of judges doesn't quite make sense - should it be members of the judiciary, or judicial members?

**Social & Legal Studies** <onbehalfof@manuscriptcentral.com> Balas Ke: a.diduck@ucl.ac.uk Kepada: iim\_hs@uinjkt.ac.id

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im Halimatusa'diyah <iim_hs@uinjkt.ac.id></iim_hs@uinjkt.ac.id>	
Kepada: a.diduck@ucl.ac.uk	

Dear Prof. Alison Diduck,

Thank you for your email and for giving me an opportunity to revise my paper.

I'm wondering is there any specific deadline for submission of my revised manuacript?

Best regards,

### lim

[Kutipan teks disembunyikan]

**lim Halimatusa'diyah** <iim\_hs@uinjkt.ac.id> Kepada: achmad\_kholiq@yahoo.com, Achmad Kholiq <achmadkholiq67@yahoo.com>

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**Diduck, Alison** <a.diduck@ucl.ac.uk> Kepada: lim Halimatusa'diyah <iim\_hs@uinjkt.ac.id> 27 Oktober 2021 01.27

Dear lim,

We have no strict deadlines for resubmissions, but if you could get your revisions to us in the next couple of months, it would be great.

I know how busy everyone is, so if this isn't possible for you, just let me know.

All best wishes,

Alison

Professor of Law

a.diduck@ucl.ac.uk

UCL Faculty of Laws

Bentham House

4-8 Endsleigh Gardens

London

WC1H 0EG

Ph: 020 31088329

From: lim Halimatusa'diyah <iim\_hs@uinjkt.ac.id>
Date: Tuesday, 26 October 2021 at 17:32
To: Alison Diduck <a.diduck@ucl.ac.uk>
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Dear Prof. Alison,

I'll try to submit the revision as soon as possible.

Once again, thank you for the opportunity.

Best regards,

lim [Kutipan teks disembunyikan] 27 Oktober 2021 07.15

## Social & Legal Studies SLS-21-0174.R1

1 pesan

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16-Jan-2022

Dear Dr. Halimatusa'diyah:

Your revised manuscript entitled "Does Gender Blindness Improve Gender Equality? Female Judges and the Glass Ceiling Effect in the Islamic Judiciary System in Indonesia" has been successfully submitted online and is presently being given full consideration for publication in Social & Legal Studies.

Your manuscript ID is SLS-21-0174.R1.

You have listed the following individuals as authors of this manuscript: Kholiq, Achmad; Halimatusa'diyah, lim

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18-Mar-2022

Dear Dr. Halimatusa'diyah:

18-Mar-2022

Dear Dr. Halimatusa'diyah,

I write regarding your resubmitted manuscript ID SLS-21-0174.R1 entitled "Does Gender Blindness Improve Gender Equality? Female Judges and the Glass Ceiling Effect in the Islamic Judiciary System in Indonesia" which you submitted to Social & Legal Studies. I'm pleased to say that the reviewers have recommended publication, but they also suggest some further minor revisions to your manuscript before we can proceed to publication. Their comments are included at the bottom of this letter. Once we receive these revisions we will be able to proceed to publication.

In addition to their individual queries, both reviewers recommend further proof reading and tightening/tidying of language/syntax. Further, please can you also respond to Reviewer 1's concerns about the anonymity of the participants in the study? You may also wish to refer to the Feminist Judgments projects as Reviewer 2 suggests.

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Because we are trying to facilitate timely publication of manuscripts submitted to Social & Legal Studies, your revised manuscript should be uploaded as soon as possible. If it is not possible for you to submit your revision in a reasonable amount of time, we may have to consider your paper as a new submission.

Once again, thank you for your submission to Social & Legal Studies. I look forward to receiving your revision and to publishing your manuscript.

Yours sincerely, Professor Alison Diduck Coordinating Editor, Social & Legal Studies

Reviewer(s)' Comments to Author:

Reviewer: 1

#### Comments to the Author

The author has taken account of the suggestions made in my previous review. Subject to the points made below, I would recommend accepting the paper for publication.

The author has sought to anonymise the participants in the research by abbreviating to their initials. This is insufficient to anonymise the participants, particularly because the overall population from which the participants are drawn is limited in size. Prior to publication of the paper and/or any associated datasets, the participants should be assigned randomised numbers or letters, or pseudonyms.

The author has responded to my query about ethical approval for their project in their response to reviewers. This information should be included within the paper itself (in the Data and Method section either in the body of the text or as an endnote).

On p.2, the sentence starting 'Studies have shown...' appears to be missing a reference/s. Could the author add in the relevant references to those studies?

As indicated in the previous round of reviews, the paper would benefit from some further proof-reading / tidying up of the syntax as some parts of it do not quite scan (e.g. 'the judiciary system', p.2 and in the title).

#### Reviewer: 2

Comments to the Author

This is a much improved revised version of an article previously submitted, examining the glass ceiling effect in Indonesia. I am very pleased to be able to support its publication in SLS. Just some very minor typos/phrasing to edit (eg the use of "It is" in "It is purposive sampling as we only targeted male and female judges in the Islamic judicial system. It is snowball sampling as..." is a bit clumsy);

no need for 'literature review' in subheading as it is not a review of all the literature in the field;

does "pseudonyms in the form of abbreviations" mean that a pseudonym was chosen and then abbreviated?;

at the bottom of p16/top of p17, how many judges are being referred to here?;

top of p18, should "ever" be "never? check the sense of this sentence;

check also the sense of the sentence after the interview quote on p18;

check the sense of the sentence p18 beginning "However, feminist judging";

rephrase on p20 "was okay with";

rephrase "he seemed reluctant of her plan" p21.

And one other issue - the article still does not mention the Feminist Judgments Projects which I think would be considered odd by SLS readers familiar with the topic of the importance of including female and feminist judges within judicial systems.

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With best wishes, Jeanette McCormick jeanette.mccormick1@gmail.com Social & Legal Studies Editorial Office 4 pesan

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Manuscript DOI:	10.1177/09646639221094153
Journal:	Social & Legal Studies

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