



THE CONTRIBUTIONS OF WOMEN JUDGES IN ADVANCING HUMAN RIGHTS AND SOCIAL JUSTICE

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ABSTRACT

The judiciary plays a pivotal role in fulfilling human rights and social justice by interpreting laws and challenging systemic injustice. In this framework, women judges have emerged as influential figures who with their unique perspectives and experiences, have made an impact on the outcomes of the law and the social landscape. This paper discusses the historical development of women in the judicial system and their crucial roles in promoting human rights and social justice. Using case studies of prominent judges, i.e., Justice Ruth Bader Ginsburg, Justice Brenda Hale and Justice M. Fathima Beevi, the article looks at cases that have overturned traditional notions of equality/gender, settled the rights of minorities and provided the necessary impetus for change. It also tackles the structural barriers that hinder the advancement of women judges, and talks about the need for institutional changes with a view to diversity and representation. With the analysis of the broader effect of women judges on the design of the legal frameworks of the planet and their relation with the Sustainable development goals, the article highlights the absolute necessity of women in creating equitable and inclusive societies.

Keywords: Women Judges, Human Rights, Social Justice, Gender Equality, Judiciary Diversity and Legal Reform.

INTRODUCTION

Human rights and social justice are foundations of contemporary societies, ensuring dignity, equity, and fairness to all people. These principles underlie democratic governance and international legal frameworks, addressing structural injustice, protecting marginalized communities, and fostering inclusive growth. As guardians of justice, the judicial branch is

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irreplaceable in protecting these rights by rendering legal interpretations, settling disputes, and ensuring that governmental action respects its constitutional mandate. Judges, as arbiters of justice, possess the authority to shape the social fabric through their rulings, which often influence not only individual cases but broader societal norms and practices.

Within this framework, women judges have emerged as transformative figures, enriching the judiciary with diverse perspectives rooted in empathy and lived experiences. Their contributions have been particularly instrumental in advancing human rights and social justice, challenging entrenched patriarchal norms, and championing the causes of underrepresented groups. In supporting gender equality, opposing discrimination, and defending the rights of marginalized groups, women judges have produced legacies that reverberate well beyond the courtroom. Their judgments frequently stem from expert knowledge of social truths such that the principles of justice are not just abstract concepts, but also concrete ones.

This paper looks at the key roles played by women judges, their work as champions of judicial reform and their legacy of promoting human rights and social justice. Through an analysis of historical context, individual case studies and more general societal impacts, the discussion points to the difficulties they contend with, their transformative effect on the legal systems in which they are crafted, and the lasting impact of their decisions. In light of their journey and impact, this paper highlights the irrefutable contribution that women judges have made in creating a fairer and more just world.

JOURNEY OF WOMEN ENTERING THE JUDICIARY

The career path of women making their way into the judicial system has been an important transformation, reflecting broader societal shifts toward gender equality and equity. Historically, there were male-dominated judicial institutions, with (systemic and cultural) constraints preventing women from being within the legal field. From restrictions on legal education to deeply entrenched stereotypes about women's capabilities, these obstacles perpetuated the exclusion of women from the judiciary for much of history. However, the late 19th and early 20th centuries marked a turning point as women began to gain access to legal education and bar memberships, laying the groundwork for their eventual entry into judicial roles.

The presence of women on the bench provides a wealth of diverse perspectives that enrich the interpretation of laws and enhance the delivery of justice. Women judges are also known for

advocating for the voices of the marginalized, in particular those of women and children, in order that the legal systems represent the lived experience of everyone. Their presence challenges patriarchal norms within the judiciary, fostering greater empathy and equity in legal judgments. Studies have repeatedly demonstrated the positive effects of gender diversity on judicial benches on decisions that are more equitable and nuanced, particularly in human rights, social justice and gender-based violence issues.

Pioneering women judges have broken down glass ceilings internationally and paved the way for future generations. Sandra Day O'Connor's appointment as the first female justice of the United States Supreme Court in 1981 marked a watershed moment, as her tenure demonstrated the transformative power of women in judicial leadership. Similarly, Fathima Beevi's historic appointment as the first woman to serve on India's Supreme Court in 1989 symbolized a breakthrough in a traditionally male-centric judiciary. Bench figures including Brenda Hale in the UK and Albie Sachs's work with women judges in South Africa have also highlighted the critical role of gender diversity in advancing progressive interpretations of law.

The rise of women to the bench is one example of a continued battle for equality and fairness, but one that also reaffirms the importance of having a range of voices in order to ensure a just and fair legal system. Their quest continues to motivate and change the concepts of judicial objectivity and equity to the protection of human rights and social justice.

CONTRIBUTIONS OF WOMEN JUDGES TO HUMAN RIGHTS AND SOCIAL JUSTICE

Women judges have led to a huge shift in the advancement of human rights and social justice by bringing their unique perspectives to the judicial process. Their lived experiences often inform their approach to law, enabling them to interpret and apply legal principles with a heightened sensitivity to issues of inequality and oppression. This empathetic lens has proven crucial in championing the rights of marginalized groups, including women, children, and minorities while addressing systemic injustices that have long perpetuated social and economic disparities.

A major role played by women judges is their unwavering advocacy for gender equality. Justice Ruth Bader Ginsburg of the United States Supreme Court, for example, left an indelible mark

on gender jurisprudence through her decisions in cases like *United States v. Virginia*¹ (1996). In this historic judgment, she invalidated the male-only admissions policy at the Virginia Military Institute, and in so doing, stressed that equal opportunity was a constitutional due process under the Fourteenth Amendment. Her career shows how judicial construction can break down institutional barriers and broaden rights for women in public and professional roles.

Similarly, Justice Brenda Hale of the United Kingdom's Supreme Court has been a vocal advocate for the rights of vulnerable populations. In, *R v. Secretary of State for the Home Department*² (2004), Hale emphasised the need for giving paramount consideration to the interests of children in asylum cases and restated that human rights should be both comprehensive and inclusive. Her judgments often reflect an unwavering commitment to social justice, particularly for victims of domestic violence and individuals in precarious circumstances.

In India, Justice M. Fathima Beevi, the first woman to serve on the Supreme Court, played a pivotal role in upholding women's constitutional rights. Her decisions set forth protections for women in family law and advocated for gender-informed re-casting of legal tools and precedents. In addition to the individual judgments, the women judges have also caused significant social changes through their leadership. For instance, Justice Sonia Sotomayor of the United States has frequently used her platform to address systemic racial inequalities, as seen in her dissent in *Utah v. Strieff*³, where she criticized practices contributing to racial profiling and injustice.

The contribution of women judges extends beyond the courtroom and encompasses influencing the undermining of the existing patriarchal norms in the judiciary, leading to institutional reform and a push toward increased gender representation in the law. Through advocating progressive legal interpretations and supporting the status of particularly vulnerable groups, meanwhile, they can not only impact outcomes in legal proceedings but also have the capacity to influence the direction of wider societal attitudes toward inclusion and equity. Their combined effect highlights the critical position that women occupy in the formation of a fairer, more humane legal order in the world.

¹ *United States v. Virginia*, 518 U.S. 515, 1996.

² *R v. Secretary of State for the Home Department*, [2004] UKHL 56

³ *Utah v. Strieff*, 579 U.S. 232, 2016

PIVOTAL CASE STUDIES

a. Justice Ruth Bader Ginsburg (USA)

Justice Ruth Bader Ginsburg's tenure on the United States Supreme Court was defined by her unwavering commitment to gender equality and civil liberties. One of her most significant rulings, *United States v. Virginia* (1996), struck down the Virginia Military Institute's male-only admissions policy, declaring it unconstitutional under the Equal Protection Clause of the Fourteenth Amendment. Ginsburg's majority opinion emphasized that gender-based distinctions must serve an "exceedingly persuasive justification" and reinforced the principle that equal opportunity is a fundamental constitutional right⁴. Beyond this case, her extensive jurisprudence—both as a justice and in her earlier advocacy work—helped dismantle gender stereotypes embedded in American law, ensuring broader protections for women in employment, education, and reproductive rights. Her civil liberties legacy extends to her dissents, e.g., *Ledbetter v. Goodyear Tire Rubber Co.*⁵, influencing, inter alia, legislative change through the Lilly Ledbetter Fair Pay Act of 2009⁶.

b. Justice Brenda Hale (UK)

As the first woman to be President of the UK Supreme Court, Justice Brenda Hale has been at the forefront of promoting human rights, especially about children, refugees, and victims of domestic violence. In *R v. Secretary of State for the Home Department*⁷ (2004) Hale made a landmark decision supporting the rights of children in asylum proceedings. She highlighted the importance accorded by public authorities of a heightened status for children's welfare, in keeping with that obligation contained in domestic law under the United Nations Convention on the Rights of the Child⁸. Her broader judicial philosophy emphasized addressing systemic inequalities, evident in her decisions on family law and domestic violence cases, where she consistently sought to protect vulnerable individuals. Hale's perspective on the law also is grounded in her profound appreciation of the intersection between social justice and human rights.

⁴ *United States v. Virginia*, 518 U.S. 515, 1996.

⁵ *Ledbetter v. Goodyear Tire & Rubber Co.*, 550 U.S. 618 (2007)

⁶ Lilly Ledbetter Fair Pay Act of 2009, Pub. L. No. 111-2, 123 Stat. 5 (2009).

⁷ *R v. Secretary of State for the Home Department*, [2004] UKHL 56

⁸ United Nations, 'Convention on the Rights of the Child' (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3.

⁹ *R v. Secretary of State for the Home Department*, [2004] UKHL 56

c. Justice M. Fathima Beevi (India)

Justice M. Fathima Beevi made history in 1989 as the first woman to be appointed to the Supreme Court of India, having to wrest her position away from the male-seized judiciary of her times. Her appointment was an important step in creating a culture in the Indian judiciary of encouraging gender diversity, which has motivated generations of women to become lawyers. Although her period in office was short, her decisions illustrated a liberal approach to women's rights to privacy in the Constitution, in family law matters in particular. Beevi's contributions extended beyond her judgments, as her presence on the bench symbolized the potential for a more inclusive and equitable judiciary in India. Her work also initiated conversations on gender sensitivity in judicial reasoning, establishing a trend that there is a need to consider different viewpoints when unpacking Indian law.

d. Justice Albie Sachs and Justice Dikgang Moseneke (South Africa)

In South Africa, transformative human rights jurisprudence often emerged through collaborative decisions involving Justice Albie Sachs, Justice Dikgang Moseneke, and women judges on the Constitutional Court. Although not women themselves, their relationships with jurists (like Yvonne Mokgoro) helped promote gender equality and social justice. As in *Government of the Republic of South Africa v. Grootboom*¹⁰ (2000), the court allowed socio-economic rights and permitted access to housing for the disadvantaged¹¹. Decisions reverberate with a consensus to bring to an end apartheid injustice and to establish a legal system on the basis of equality and human dignity.

e. Justice Sonia Sotomayor (USA)

United States Supreme Court Justice Sonia Sotomayor has on a regular basis used her position to speak about mass inequality, racial justice and civil liberties. Her dissent in *Utah v. Strieff*¹² (2016) is especially significant for its deep attack on practices that undergird racial profiling. In this case, the majority allowed evidence obtained during unlawful police stops to be admissible, citing an intervening warrant as justification. By the dissent, where such decisions violate constitutional guarantees against unreasonable searches and disproportionately burden

¹⁰ *Government of the Republic of South Africa v. Grootboom*, 2001 (1) SA 46 (CC)

¹¹ *Government of the Republic of South Africa v. Grootboom*, 2001 (1) SA 46 (CC).

¹² *Utah v. Strieff*, 579 U.S. 232, 2016.

people of colour¹³. Sotomayor handed down the following repercussions. Her opinion emphasized the human impact of judicial decisions, blending legal reasoning with a deep awareness of societal inequities. Beyond her judgments, Sotomayor's personal narrative as the first Latina justice serves as an inspiration for marginalized communities, underscoring the importance of representation in the judiciary.

Contributions by these judges exemplify the power of women and champions of social justice in the judiciary to direct the formation of principles pertaining to human rights and social justice. Recognised through watershed decisions on gender equality, refugee rights, socio-economic rights and systemic racism, their decisions are not only about resolving legal cases but also how they shape societal values as well as legal precedents around the world. Their work underscores the judiciary's role as a vehicle for progressive change, ensuring that the law remains a dynamic instrument for achieving equity and justice.

CHALLENGES FACED BY WOMEN JUDGES

Women judges face numerous challenges in their pursuit of justice, many of which stem from deeply entrenched societal and institutional biases. Gender bias continues to be endemic and permeates the consciousness of judges as to what women are capable of and as to the legitimacy of their exercising their power in the judiciary. Studies have shown that women judges are often subjected to heightened scrutiny compared to their male counterparts, with their decisions more likely to be questioned or undermined. This bias is representative of wider societal stereotypes that attribute leadership and decision-making to men, furthering the exclusion of women from judicial roles¹⁴.

Underrepresentation is further emerging as a critical factor because women continue to be a minority group in the judicial world around the globe. However, in spite of slow advancement, still, women still do not represent less than 30% of the judges in most of the countries, and their presence in professional courts is even rarer. This underrepresentation not only restricts the range of opinions occurring in the legal decision-making process but also contributes to maintaining an image of the judiciary as a male institution¹⁵. Institutional challenges further

¹³ Utah v. Strieff, 579 U.S. 232, 2016.

¹⁴ Sally Kenney, 'Gender on the Agenda: How the Paucity of Women Judges Became an Issue' (2008) 70 *The Journal of Politics* 717.

¹⁵ United Nations Office on Drugs and Crime, *Gender-Related Judicial Integrity Issues: Judicial Perspectives and Recommendations* (UNODC 2021) https://www.unodc.org/documents/ji/knowledge_products/gender_paper.pdf accessed 15 January 2025.

compound these issues. Women judges are regularly excluded from informal networks affecting career ladders and policies. Also, male-dominated judicial environments can perpetuate cultures in which women's voices are marginalized and are thus less likely to speak up or lead¹⁶.

Performing exceptionally in their judicial roles while adhering to societal norms regarding family responsibilities and caregiving. "Double burden" can result not only in work-life conflicts but also in hindering their career advancement. In addition, women judges who challenge conventional assumptions are likely to be reproached for acting "too career" or "too indifferent," thereby restricting their professional freedom.

These issues are indicative of the systemic obstacles that female judges face in order to meaningfully advance human rights and social justice. Overcoming these barriers necessitates institutional reforms, including mentorship schemes, gender-responsive judicial training and policies supporting work-life balance, to build a judiciary that is inclusive and representative.

BROADER IMPACT OF WOMEN JUDGES ON SOCIAL JUSTICE

The influence of women judges on social justice extends beyond the courtroom, profoundly shaping legal systems and societal perceptions worldwide. Their decisions frequently establish groundbreaking precedents that they can use to subvert rigid inequalities and lead to more inclusive understandings of the law. For instance, judgments of female judges, like Justice Brenda Hale in Great Britain and Justice Ruth Bader Ginsburg in the U.S., have challenged the boundaries of the discussion of gender equality and human rights. These choices not only serve as a vehicle for legal redress to individuals alone, but they also express a wider commitment to justice and public perceptions of justice and women's place in leadership.

Women judges are strong mentors and role models, who motivate women to enter the legal profession and judicial leadership roles, etc. Breaking down barriers and taking the lead with a sense of excellence, they pave the way by challenging traditional stereotypical ideas of women's fit in the legal world. Mentorship sometimes takes them well beyond the realm of casual encouragement, as many actively participate in efforts to draw young women into the courts, fostering gender inclusion and justice diversity, and building a talent pipeline for the

¹⁶ Rosemary Claire Hunter, 'Can Feminist Judges Make a Difference?' (2008) 15 *Int J Legal Prof* 36 <https://api.semanticscholar.org/CorpusID:144353678> accessed 15 January 2025.

legal profession. The presence of women judges on the bench is an indicator of the evolution of the institution, revealing that the courts can indeed be sites of fairness and representation¹⁷.

The contributions of women judges are also integral to achieving the Sustainable Development Goals (SDGs), particularly Goal 5 (Gender Equality) and Goal 16 (Peace, Justice, and Strong Institutions). With the emphasis on supporting women, children and discriminated groups, their judgments support the agenda of SDGs to decrease inequity and create accountable institutions. For example, women's judgeships have a tendency to focus on access to justice for marginalized groups, that is, the legal system usually attends to problems such as domestic violence and social-economic rights.

Overall, the broader impact of women judges lies in their ability to reshape legal landscapes, inspire systemic change, and contribute to global justice efforts. Their work reinforces the judicial role as a guarantor of human rights and a crusader for equity, ensuring that legal systems move in a more inclusive and equitable direction.

CONCLUSION

Women judges' contribution to promoting human rights and social justice is revolutionary and irrefutable. Their distinct point of view, as a result of lived experience, benefits judicial decision-making, by providing breadth and empathy. Through the breaking down of deeply ingrained patriarchal customs and by fighting for the voiceless, they have transformed not only the judiciary as a fairer body but the whole legal field as a whole. Pioneers in the field of gender equality, children's rights, and systemic reforms, Justice Ruth Bader Ginsburg, Justice Brenda Hale, and Justice M. Fathima Beevi have established influential precedents. These achievements point to the judiciary as a means of achieving progressive social change.

Despite great contributions, judges, women judges, are still under threat from gender discrimination, underrepresentation, and work-life challenges. Breaking these barriers requires institutional change to promote diversity and equality on the bench. Activities aimed at mentoring, gender-sensitive judicial training, and fair promotion prospects are climatic with regard to a more inclusive judiciary.

¹⁷ Sally Kenney, 'Gender on the Agenda: How the Paucity of Women Judges Became an Issue' (2008) 70 *The Journal of Politics* 717.

The ultimate impact of female judges can be seen in the development of global justice structures and the achievement of the Sustainable Development Goals. Their leadership validates the judiciary's function as a human rights defender and a driving force of social change. The trail blazed by female judges provides a vision of justice that is both humane and equitable, in that justice is served to benefit all humanity.