

THE NEW AFRICAN WOMAN

by Nokukhanya Cele, Durban Bar

I read in the 2009 biography of the former president of South Africa, President Thabo Mbeki, titled *The Dream Deferred* written by Mark Gevisser, that during the 1930's the educated black South African class began to reject the colonially aligned aspirations of their parents and discarded the identity of what was then known as the "Black Englishman". H.I.E Dhlomo coined the phrase that identified this new group of autonomous young educated black men as "The New Africans".

As history tends to always repeat itself, we see today in the legal profession what I have identified to be the rise of "The New African Woman", this being a group of women that abandon the assigned roles of supporting characters in the legal profession and take their place in the forefront of South African law.

I quote Dhlomo's definition of the New Africans and insert female pronouns for it to read:

*"The New African Woman knows where she belongs and what belongs to her; where she is going and how; what she wants and the methods to obtain it. She is proud, patriotic, sensitive, alive and sure of herself, her ideas and ideals."*¹

I see no better way of defining the women I have the pleasure of working with than these words by Dhlomo. It requires a certain pedigree of women to take up significant space in the legal profession. It necessitates "The New African Woman" to do so. This is the type of woman that stands bravely in her knowledge of the law and challenges existing legal principles, while upholding constitutional values. The New African Woman delivers ground-breaking judgments on the bench as a member of the judiciary, argues cases at the highest level and is recognised for her contributions as academics, attorneys, prosecutors, clerks etc.

It is no secret that it is extremely difficult for women, especially black women, to succeed and thrive in this profession. This centuries-old established institution was never designed for women to be a part of, let alone black women. So many black women have left the Bar because of the hardships they have faced when building their practices. The system was against them from the first instance.

It is for this reason I assume that in 2019 the Durban Bar in its pursuit for transformation, identified that the lack of black female representation was an important issue and required



special attention. It was not a question of only having black women join the Bar, but rather having them stay. The lack of exposure and discriminatory briefing patterns in the legal fraternity made it extremely difficult for black women to build sustainable practices.

When I was accepted into the Durban Bar pupillage program for 2022 I was excited. On our first day of pupillage at our orientation meeting in a boardroom in central Durban, I looked around and I was pleasantly stunned to only see black women around me. I was overwhelmed with an emotion I can only describe as 'pride' for a lack of a better word. When I realised that my pupillage group was compiled of 80% black women, in my mind I thought "actions speak louder than words" and this was a move that was long overdue. It was evident to me that the Durban Bar (my bar) was taking serious action to address a problem I was warned of prior to heeding my call to join the Bar.

Another thought that came to my mind was that if we all in this group passed and went on to make valuable contributions to this profession, we would be able to show that when the system that was rigged against black women is truly transformed, it then becomes an environment that is conducive for black women to stay, practise and thrive. Only then would we have a legal fraternity that represents the demographic of South Africa, which is majority female. Who else can protect, understand, advocate and enforce the law on behalf of women better than women themselves?

I believe that diversity and inclusion is about putting people in a position to excel. This means giving them an opportunity to see what they can do by creating a platform for them to be nurtured to be able to excel.

To take this all back to the New African Woman I spoke about earlier: I strive to be this New African Woman. It is not to say that starting your own practice is easier now, because it is not, especially when you come from a background without what

some would call the right connections. But when you choose to pursue your dreams and desires, you must be able to do it even in uncomfortable, challenging and unfamiliar environments.

What keeps me optimistic and gives me hope not to give up is that I know for a fact that the environment has shifted. Not all the cards are stacked against me now. I have to play my part in working hard, looking for opportunities and creating a demand for my work.

I also acknowledge the role that men play in balancing the scales of justice when it comes to diversity and inclusion. I would like to thank those men in the legal profession who are allies to the plight of women. Our male colleagues who support women without taking advantage, who share their knowledge and networks, who as true gentlemen see the faces of their sister, daughters and mothers in the women who are their colleagues and treat us with the respect that is due.

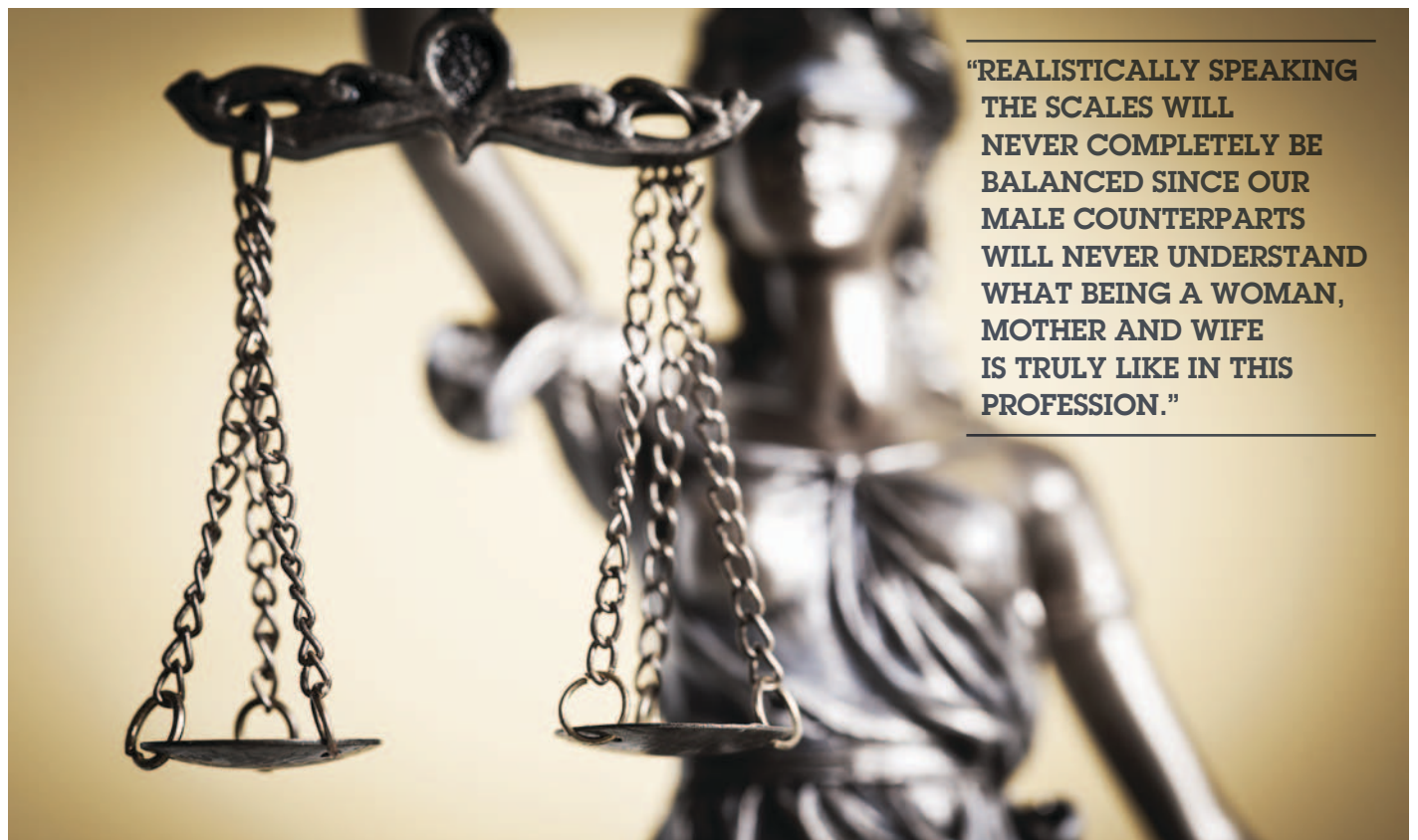
What a time it is to be a woman in the legal profession today. Realistically speaking, the scales will never completely be balanced since our male counterparts will never understand what being a woman, mother and wife is truly like in this profession. However, there is improvement, and it is up to us as women to ensure that this improvement is a steady incline to a point where having woman that excel and thrive in this profession is not a unique thing but rather something that is to be expected. **A**



From left to right: Nokukhanya Cele, Zime Vilakazi, Lungile Zibani, Melanie Barnes, Sithandiwe Nene, Donovan Naidoo, The Honourable Justice Malcom Wallis, Gareth Harrison, Naseeha Momla, Zizile Ndwandwe, Busakahle Mkhwanazi, Kyle Pillay, Keshini Govender, Nondumiso Zulu, Mapule Mathiba, Zipho Mbuyazi, Andile Mnguni, Myuri Juglal, Nontuthuko Ngcobo.

Notes

- 1 T Couzens, *The New African: A Study of the life and Work of H.I.E Dhlomo* (Johannesburg: Ravan Press, 1985) pp33-34



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