

# Ceremonial Court Sittings

In April and May courts across South Africa held special sittings to mark the occasion of the coming into effect of The Women's Legal Practitioners Act in 1923. *Advocate* has transcribed some of the speeches. Some have been slightly edited.

## IN CELEBRATION OF 100 YEARS OF WOMEN IN THE LEGAL PROFESSION IN SOUTH AFRICA

speech by **Justice Nambitha Dambuza**, Supreme Court of Appeal, 25 May 2023

**T**hank you for honouring our invitation to join these proceedings online. As we begin these proceedings, I need to say first that this ceremony is the brainchild of the 100More Campaign, which was introduced to me by Adv Michelle le Roux SC. I think we need to first recognise their efforts, hers and her colleagues, in taking the initiative to remind us that the 2023 year marks a 100 years since women were admitted into the legal profession.

The doors of the legal profession only opened for women in 1923 by the passing of the Women's Legal Practitioners Act of 1923, which was promulgated on the 10th of April 1923. The passing of this legislation was preceded by struggles of a number of women who were trying to enter the legal profession.

These struggles that they went through left us with the legacy of judgments that enlighten us of the extent of the determination by some men in those days to keep out women out of the legal profession – that they would take pains to engage in complicated and even incomprehensible interpretation of simple words, to distort their meaning, only so that they could keep women out of the legal profession.

The Transvaal Supreme Court did this in *Schlesin v Incorporated Law Society* in 1909 when refusing to admit Sonja Schlesin as an attorney, by interpreting the word 'attorney' to mean "people of that class who have always been capable of being an attorney, namely men". And in 1912, when Madeline Wookey challenged the Cape Law Society's refusal to her practising law. This court, in *Incorporated Society v Wookey*, in 1912, engaged in an elaborate examination of the Roman Dutch Law, foreign law, and South African law, to come to a conclusion that it could not be inferred from the use of the word "person" in section 20 of the Cape Charter of Justice, that the legislator intended to effect so important an alteration to the meaning of the word "person" as to include women. Part of the reasoning in this instance went like this: "*The question is not whether this lady is likely, adequately, satisfactorily to discharge her duties as a legal practitioner. The question is simply that she is not a*

*person as referred to in the Cape Charter of Justice of 1883.*" Perhaps if this was not recorded in our law reports today some of us would not believe that at some stage our courts reasoned in this manner.

The Women's Legal Practitioners Act of 1923 contained a single, simple section that said: "*Women shall be entitled to be admitted into practice, and to be enrolled as advocates, attorneys, and notary public or conveyancers in any province of the Union subject to the same terms and conditions as apply to men and any law in force in any province of the Union regulating the admission and enrolment of persons as advocates, attorneys, notary publics or conveyancers.*"

Next up was the admission of Irene Antoinette Geffen, who was the first woman to be admitted as an advocate to the Transvaal Bar, as it then was, in 1923. I learnt a few days ago one of Ms Geffen's daughters was a lady by the name of Felicia Geffen an attorney in her own right, who ran the law clinic at the Wits Law School.

So today we hold this sitting in response to the clarion call sounded by

the 100More Campaign to pause and look back, recognize, and honor those women on whose shoulders we stand, to express our appreciation of their determination and to celebrate them and the progress made by the first women in the legal profession, such as: in this Court, Leonora van den Heever, South Africa's first female judge; Desiree Finca, the first black South African woman to be admitted as an attorney; Mokgadi Lucy Mailula, South Africa's first black female judge.

The advancement of women into leadership positions in various fields of the legal profession has been slow and, like race, gender is still at the center of the struggle for a democratic South Africa.

In the next hour we will hear from speakers who will give us an idea of how women progressed in this field and what sustained those women in dealing with challenges they encountered. It is, therefore, my pleasure to welcome you to this ceremonial sitting in celebration of a centenary of women in the legal profession, and in refreshing our commitment to playing our own part in creating of even more opportunities for women in the legal profession. **A**

