

# REFLECTING ON THE JOURNEY OF WOMEN IN THE LEGAL PROFESSION

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I seek to make my brief submissions with reference to what I will call a misconception that appears, already in 1912 in the *Wookey* case. That is:

“If it was rightly answered in the Court below, the result will be materially to widen the area of women’s economic activities, though that be done by opening to a host of new competitors the doors of an already congested profession. If it was wrongly answered, then the law of the country will be denying to one-half of its citizens, on the mere ground of sex, the right of employing their natural abilities in the pursuit of an honourable calling.”

Effectively this is the bogeyman that prevents the powers that be from doing all that they are meant to do to ensure equitable transfer of work and skills. The notion being that the women will take work from the men, or the cake is becoming smaller. It is worrying that 100 years later, the bogeyman sentiments are still very much alive if not being reinforced by those who say they are breaking barriers of access.

## NO TANGIBLE CHANGE

There are 2841 women advocates nationally. 1105 are black. Even fewer have attained senior status.

In the meantime, the biggest consumer of legal services, the Department of Justice, through the state attorneys’ office, is quite content with paying lip service to transformation of the profession. A glance at its monthly reports and experience confirms this point.

The statistics for February 2023 show that, at least for this division, out of 122 briefs in the Pretoria State Attorney, only 38 went to women. At the Johannesburg State Attorney, 38 briefs went to women out of 86.<sup>1</sup> I will not even refer to the quality of the work because in that regard, it is an open secret that whiteness and being male is still king.

In this space, the fee disparities are unparalleled. Women and black seniors are forced to lead juniors in briefs whose fees are way below those of their juniors. A perpetuation of indignity. There are pay disparities between men and women without justification.

The private sector is not even willing to come to the party.

To make matters worse, the State Attorney has now capped the number of briefs that practitioners can receive. Barrier upon barrier.

This type of environment of course makes it open to circumstances that place women in positions that makes them targets for sexual harassment and *quid pro quo* agreements. All open secrets.

Then there is what I will call being used as the face of BBBEE. Black advocates briefed with white seniors who would want



nothing less than to be tied to this black girl. So, what do we do? We exclude her only to take her out at the hearing of the matter to be seen by the masses. Use her blackness to say to colleagues and the world: “We are complying shame.”

The excluded black advocate fulfills the number of briefs and years and applies for silk status or the bench. What does this mean for the administration of justice? Not a question for today but perhaps we should ponder upon it in our spare time.

## SHOULD WE GIVE UP?

I will answer this question by referring to who I am and who I know women in this profession to be. That is, I am a black child born of kings and queens. I am a fulfilment of the dreams of my ancestors. I am a child born of doctors and lawyers who never stepped through the doors of a university.

I am a representation of my ancestors’ wildest dreams. I am a queen.

And because of that, I must answer the question in the negative. No, we do not quit. We do not relent. We agitate for change 100 years on. We do it at grassroot level. Through training women. Exposing them to quality briefs. Preparing them for senior status and for the bench. Being deliberate in our efforts. It requires a holistic approach. Change makers.

In closing, whatever cake is left, we must be allowed a piece and not the crumbs we have been given. **A**

## Notes

1 <https://www.justice.gov.za/branches/stateattorney.html>