Women in Law & Leadership

South African Legal Academy

PATTERNS | PROGRESS | PROSPECTS

WOMEN IN LAW AND LEADERSHIP: SOUTH AFRICAN LEGAL ACADEMY

Patterns, Progress, and Prospects

Institute for African Women in Law

African Women in Law and Leadership Initiative

The Institute for African Women in Law (IAWL) is a non-profit, non-governmental organization established in 2015. The Institute is committed to supporting the formidable works of women in law across the continent of Africa and the Diaspora. Our mission is to be a focal point for addressing issues across the legal and judicial professions. The Institute is headquartered in Washington, DC, USA.

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Disclaimer: Every effort was made to ensure the accuracy of data received from the field research. IAWL has no control over publicly available data on professional, government or institutional websites. All attempts were made to validate the data received through multiple rounds of peer review and editing. All data sources received at the time of this publication have been duly cited.

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TABLE OF CONTENTS

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FOREWORD

The South African legal academy has witnessed an increase in the representation of women faculty, yet these numbers do not translate into an equitable representation of women in leadership roles. Therefore, this report on women in leadership in South Africa's legal academy is timely. The central aim of this report is to chronicle the barriers to women's progress to leadership in the legal academy and highlight the notable progress and trends. The report provides recommendations to overcome the existing barriers and identifies the facilitators that could advance women's leadership journeys.

In my combined career as an academic (from tutor to senior professor) and administrator (from the head of a department to the first black female dean of a law faculty in South Africa), I have experienced first-hand some of the barriers in this report. I have witnessed these challenges play out in the lives of other female colleagues. I have assisted some women in overcoming their barriers and breaking the glass ceiling. Unfortunately, I have also witnessed others succumb to the pressures of life, resulting in physical and mental illness, loneliness, marital problems, divorce, and single parenthood. Most women facing these challenges in the profession have either remained stagnant or left the profession.

Although there has been more awareness about gender equality in the academy, unfortunately, there has been little change for the generation that followed me. That this report is dedicated to naming the barriers women face and presenting them in their voices is remarkable. The legal profession starts with legal education, so it is important that issues affecting the trainers of the professionals are addressed. These issues directly and indirectly affect the kind of training, knowledge and representation transferred to law students who are the future of the profession. The report is also balanced in bringing to the fore the factors that can facilitate women's ascent into leadership. It notes, for example, mentoring and support networks as a significant driver of promotion among women legal academics in South Africa.

In my opinion, this report by the Institute for African Women in Law (IAWL) is a timely masterpiece with rich evidence that documents the intersectional challenges facing women in South Africa's legal academy. It is a valuable addition to the limited scholarship on women legal academics not only in South Africa but across Africa. This report's findings confirm that although women in the legal academy encounter similar challenges as their counterparts in the other sectors of the profession, the legal academy presents its peculiar challenges, therefore requiring specific interventions to address them.

The tireless efforts of the research team at IAWL to produce this rare resource on women in the legal academy are commendable. Thank you for making this report possible and for highlighting the issues that still need to be tackled for real change and transformation to happen.

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Senior Professor and First Female Dean of Law
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FOREWORD

When I started researching African women in law in 2015, I was frustrated by what I have consistently characterized as the arid desert of information on the topic. As my research continued, I likened seeking literature to the proverbial search for a needle in a haystack. The challenge was enormous, but rather than give up, I decided to make it my mission to build this field of knowledge. This mission led to my co-edited book, *Gender and the Judiciary in Africa: From Obscurity to Parity?* (Routledge, 2016), the first book to cover the topic of gender and judging in the African context. Its success spurred me on and inspired the second book, *International Courts and the African Woman Judge: Unveiled Narratives* (Routledge, 2018), which used the power of oral narratives to center the experiences, achievements, and challenges of African women who had served on international courts and tribunals. Other books followed, which included the World Bank project *Gender and Judging in Africa: Selected Studies* (Routledge, 2021) and *Intersectionality and Women's Access to Justice in Africa* (Rowman and Littlefield, 2022).

The first two books brought two major findings to my attention —the paucity of research on African women in law, and the challenges they face in accessing training and leadership skills, contributing to their underrepresentation in leadership. These two findings led me to merge my scholarship with activism to address these challenges. The Institute for African Women in Law (IAWL) was born from my passion for women's empowerment and research. By concentrating on its four main goals, IAWL has positioned itself as a leader in promoting women's development through research, training, mentoring, and advocacy. Today, IAWL is a leading hub for research on African women in law through an exhaustive digital archive that includes research reports, women's narratives, and a Legacy Project on the subject.

This report forms part of the four-nation priority countries of Nigeria, Kenya, Senegal, and South Africa, a series of reports under the IAWL-commissioned Women's Excellence in Law and Leadership (WELL) Initiative. The overarching goals of these reports are to examine women's access to positions of leadership in the legal professions; review their retention and intersectional challenges and barriers that lead to attrition from the profession; and provide recommendations on interventions that can promote and facilitate their representation in leadership roles, with the goal of meeting UN SDG #5 on gender equality. The initiative provides a blueprint and recommendations for interventions by policymakers, gatekeepers within the profession, civil society organizations, bar associations, judicial authorities, funding agencies, and other bodies interested in promoting women's leadership in law.

This report highlights the need for more research on several questions about women in law in Africa. I am hopeful that more investments will be directed toward providing empirically rich and theoretically grounded research, as seen in this report. Beyond research, what is needed is a comprehensive portal of current data on women in the legal professions across Africa—a project that IAWL is already spearheading. I hope this report provides some glimpses of hope that the problems women in law face can be addressed by adopting the multipronged approaches provided here.

FOREWORD

To borrow from popular parlance—*you cannot fix a problem if you cannot measure it*. I invite you to support our continued efforts in amplifying women's voices in law and enhancing their capacity for positive societal change and development. Thank you.

J. Jarpa Dawuni, Esq., Ph.D.
Executive Director
Institute for African Women in Law

LIST OF ACRONYMS

CGE	Commission for Gender Equality
CHED	Council for Higher Education
HEI	Higher Education Institution
IAWL	Institute for African Women in Law
LLB	Bachelor of Law
MTT	Ministerial Task Team
SDG	Sustainable Development Goals
UCT	University of Cape Town
US	University of Stellenbosch
USAf	Universities South Africa
UWC	University of the Western Cape

TABLE OF FIGURES

LIST OF TABLES

Executive Summary

Women's representation in the legal sector is crucial because of the legal system's unique role in addressing gender-based discrimination. Based on their unique perspectives, women's participation and leadership in the justice system can play a valuable role in achieving the United Nations Sustainable Development Goals (SDG), specifically goal number 5 on gender equality, by ensuring the specific interests and priorities of women are represented in decision-making processes. The mere presence of women in a legal decision-making role can counteract both actual bias and perceptions of gender bias. For this reason, it is critical to document the existing quantitative and qualitative data that identifies women's representation in the legal profession in general, with a synthesis of data to assess the points of attrition in the pipeline, barriers to retention, facilitators of promotion, and progress and trends over time.

This report adds to the thin literature on women's leadership in the legal sector across Africa. It serves as a foundation for a better understanding of the dynamics of gender inequality and obstacles that impact the retention and advancement of women to leadership in the legal profession – the bar, bench, and the academy – in four priority countries of which South Africa is one.

The report adopts intersectionality as the theoretical framework, which explains the nature of the multiple social categories, identities, and contexts that influence women's ascent to leadership in South Africa's legal academy. It also draws on the matri-legal feminist framework, which holds that experiences of subjugation are different, and women experience multiple intersections of subordination. It recognizes that African women's experiences are embedded in practices of feminist ideals that are centuries old—a system of matriarchy and matrilineal cultures that position women as equals.

Data for this report were collected through a mixed-methods approach, using both qualitative and quantitative methods, including semi-structured interviews and a survey questionnaire. However, analytic emphasis was placed on the qualitative data to center the voices and experiences of the female academics; and the quantitative data served to augment qualitative observations. Interviews were conducted with 10 women at selected law faculties in South Africa, and the survey received 35 responses. By combining the rich qualitative responses from interviews with the quantitative data, the report provides a broad overview of women's underrepresentation in leadership. The findings from this study highlight the impact of intersectional challenges and key barriers to women's rise to leadership. These challenges affect the entire pipeline, leading to low retention in the profession and high attrition from the leadership pipeline.

	The major challenges and barriers identified include:
	Untransformed institutional cultures and the lingering 'old-boy club'
	The high context of legal academia
	Gender stereotypes and bias about leadership
	Motherhood and caregiving responsibilities
	Contested opportunities for leadership advancement
	Women's mixed views of leadership
	The peculiar struggles of black women, such as the presumption of incompetence
	The protection of seniority
	Sexual harassment.

Using action-oriented and solution-driven approaches, the study draws on suggestions from the study participants and the research analyses to provide robust suggestions and recommendations on interventions that can lead to positive outcomes for women.

	These facilitators of women's promotion to leadership and recommendations for supporting women in leadership include:
	Creating mentoring networks for women
	Providing institutional support for women to combine work with their family responsibility
	Providing institutional support for early career academics such as funding for research and conferences to build a research profile
	Conducting regular and transparent promotion policy reviews
	Overcoming research barriers with collaborative practices
	Creating robust and meaningful induction for early career women faculty
	Providing support for women and staff with family responsibilities.

Despite the challenges and barriers, women in the South African legal academy are forging ahead. The general trends and patterns show that first, there is a strong and growing female leadership in the academy. Second, the bifurcated leadership in higher education of those in administrative leadership versus those in academic leadership shows women's demonstrated significance in both areas. Lastly, women continue to be inventive in expressing their agency and resilience in the face of intersecting institutional, structural, and individual challenges.

The findings from this study indicate the need for using multi-pronged approaches to addressing the intersectional challenges women face in the legal academy. These solutions will require key actors and actions from the government, legal professional organizations, civil society actors, women's groups, and male allies in the profession. The role of philanthropic organizations and governmental funding agencies is vital to pushing the UN SDG goal #5 forward to provide women equal and complete access to decision-making.

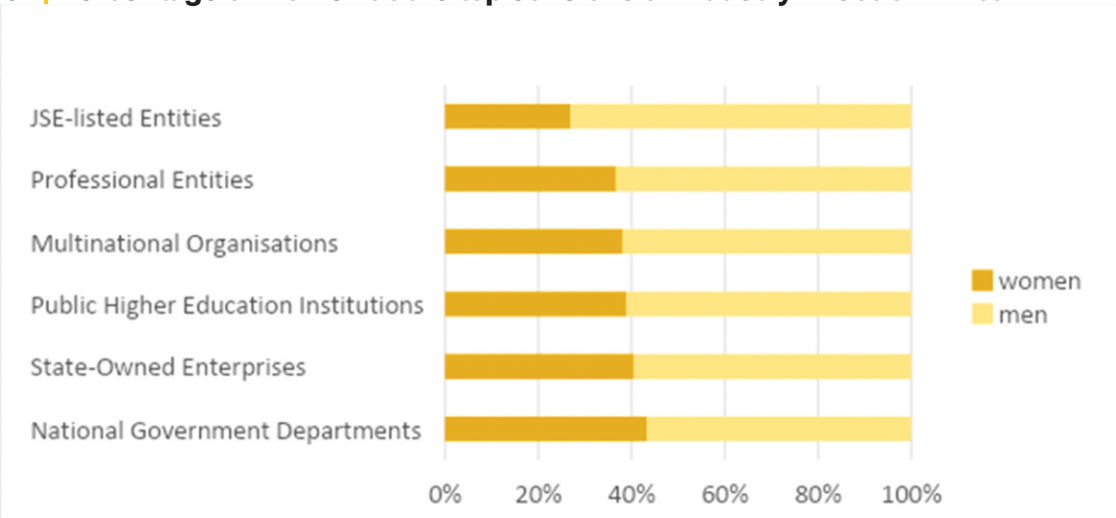
The report's findings indicate the need for more research and data collection on women in the legal academy and investment in relevant leadership-boosting initiatives because of the significant role of the legal academy in shaping the drivers of the law and providing entry points for women's access to justice in society.

1 INTRODUCTION

Women account for half of the world's population yet are underrepresented in leadership positions. Institutional norms, practices, and processes intersect in a multitude of ways to marginalize and disadvantage women. For example, the UN report on women's *Progress on the Sustainable Development Goals 2021* notes that "the total number of women and girls living on less than $1.90 a day may reach 435 million in 2021, up from 398.5 million in 2019" (UN Women, 2021, p. 6). At the highest echelons of power, women hold only a quarter of the seats in national parliaments and just 36% of the seats in local governments (UN Women, 2021). Women's equal representation matters because, according to the International Development Law Organization (IDLO) report, *Women Delivering Justice*, the relationship between gender equality and the rule of law is mutually reinforcing (IDLO, 2018). The UN Agenda 2030 (2015) states it more strongly: "the achievement of full human potential and of sustainable development is not possible if one-half of humanity continues to be denied full human rights and opportunities."

Unfortunately, South Africa is no different. Despite the progress made since the advent of democracy in 1994, there is still work to be done to achieve a complete transformation. South Africa's female population is 30.9 million, 50.7% of the population—quite literally half (World Bank Data, 2019). Yet the representation of women across sectors of economic and social life over the years suggests that this half is continually denied their human rights and related opportunities. The 2021 Business Women's Association of South Africa Census (2021, p. 4) states that despite incremental changes, "the circumstances of women in leadership positions in South Africa are still not good enough." According to their data, women are only 45.5% of the employed workforce. Figure 1 disaggregates this percentage per business sector, demonstrating that across all sectors, women lag in representation.

Figure 1| Percentage of women at the top echelons of industry in South Africa



Source: Business Women's Association of South Africa Report (2021)

This "mutually reinforcing relationship" between gender equality and justice is likewise recognized by the Sustainable Development Goals (SDG), which center gender equality. The 17 goals include 51 unique gender-specific indicators. SDG 5 is dedicated to "achiev[ing] gender equality and empower[ing] all women and girls." Subtarget 5.5. seeks to achieve "full and effective participation and equal opportunity at all levels of decision making," including national and local governance and managerial positions. SDG 5 proposes to do so by adopting and strengthening policies that promote and track gender equality.

In view of these disparities and SDG 5, a key objective of this report is to consider what impediments women in law face in achieving Subtarget 5.5. The study is centered on law and the legal academy because of the role played by the law in either perpetuating or ameliorating these inequalities. Female representation, as desired by these goals, is important because of the unique role the legal system has in supporting gender-based discrimination and could have in addressing it. Legal norms, prescripts, and constitutions all aimed at justice can set conditions for gender equality or inequality. However, to the extent that gender inequality persists, those very laws and norms will not change to the substantive degree necessary. Dawuni (2021b, p. 7) makes this point:

> Constitutions have the potential to reproduce and create new gender inequalities when gender-responsive actors, women, and gender-neutral processes are not central to the constitution-making process. The prospect for the constitutional realization of gender-equitable outcomes is closely linked to gender-inclusive constitution-making.

A crucial part of gender-inclusive legislating relates to the actors who teach, apply, and interpret that law: academics, practitioners (advocates and attorneys) and judges. This report focuses specifically on women in legal academia, that is, women in law in higher education institutions (HEIs) in South Africa. Higher education is central to building knowledge and capacity for eradicating poverty and inculcating good governance (Heleta & Bagus, 2020). HEIs also cultivate human capital to build more equitable societies. They are key for generating new knowledge and developing scientists, technicians, practitioners, professionals, teachers, government officials and civil servants. They orient students toward understanding their social responsibility and becoming change agents to address and meet contemporary challenges (Zhou et al., 2020).

Taken together—the role of law in transforming society and the role of higher education in building capacity to transform society—it is clear that women in legal academia sit at the intersection of these two areas and are crucial in achieving these outcomes. Therefore, the central aim of this report is to identify the underlying causes of inequality in women's representation in leadership in academia and assess the points of attrition in the pipeline, barriers to retention, facilitators of promotion, and progress over time. The report begins with a brief consideration of the relevant literature. Next is an outline of the theoretical approach to assess the data, followed by a brief account of the methodology. The report ends with a discursive analysis of the data and recommendations to address the challenges that emerge.

2 WOMEN IN THE SOUTH AFRICAN LEGAL PROFESSION: A REVIEW

Despite numerous studies on women in higher education (Department Higher Education and Training, 2019; Maphala & Mpofu, 2017; Moodly & Toni, 2019; Moosa & Coetzee, 2020; Naicker, 2013; Obers, 2014; Pretorius et al., 2002; Schulze, 2015; 2018; Zulu, 2021) and a small but significant volume of research on women in law (Albertyn 2011a, 2011b; Bonthuys, 2015; Chitapi, 2018; Cowan, 2006; Dawuni, 2021a, 2021b; Masengu, 2015), fewer studies focus on women in legal higher education generally or in South Africa specifically. This dearth of studies may reflect a lack of appreciation for the role of women in legal academia in South Africa. The Council for Higher Education conducted a review of the Bachelor of Law (LLB) curriculum in 2016/2017 (CHE, 2018) across all 17 law faculties in South Africa. It determined that staff composition is important to produce the quality of graduates desired in South Africa. The report asked:

> What policies and practices apply to the recruitment, employment, induction, promotion and professional development of academic staff, to ensure compliance with relevant legislation, to promote demographic equity and diversity, to reflect in the academic staff profile the values embedded in the Preamble of the qualification standard, and generally to enhance the quality of the program? (p. 37).

However, the findings on staff composition were stated in generalized terms, with limited insight into the actual challenges faced in achieving the desired composition. One reason for this lack of attention to legal academia is its hierarchical structure, which places judicial officers at the apex. Masengu (2020b) notes that academics are not typically considered for judicial offices because of the perception that they do not have judicial training from the outset of their careers. Despite this oversight, the challenges faced by women in the legal academy are similar to those of women in higher education and other legal sectors, owing to a common historical legacy of exclusion and subjugation.

2.1. The history of women in higher education and law in South Africa

Women, albeit in much smaller numbers, began forming part of student bodies across universities in South Africa from the late 19th century to the early 20th century. They had no formal restrictions against sitting examinations and earning degrees. However, practically, they were impeded from taking exams by the lack of instruction sufficient to prepare them (Ntabunkulu, 2019; Pretorius et al., 2002).

Early accounts of attitudes toward women in the academy are revealing. On the appointment of Miss E. Stephens as acting professor of the botany department in 1916, a University of Cape Town (UCT) science committee stated, "the interests of the Department may be endangered if the period be unduly prolonged in which the Department is entirely staffed by women" (Ntabankulu, 2019, para. 11). It is perhaps not surprising, then, that the first accounts of permanent female appointments were only in the latter half of the 20th century. The University of Free State appointed its first female professor in 1969 in an all-female nursing department (Pretorius et al., 2002, p. 2). In 1956, the University of Natal, formerly designated for White people only, appointed the first Black woman, Fatima Meer, as a lecturer of sociology ("Professor Fatima Meer," 2010).

Following the *Women Legal Practitioners Act 7 of 1923*, in 1926, Constance May Hall became the first attorney, and Gladys Steyn became the first woman admitted to the bar (Hurter, 2018). Desiree Finca, the first Black female attorney, was admitted only in 1967 (Jeffery, 2014). The first Black female advocate was Cissie Gool in 1962 ("Cissie Gool," n.d.). It was not until much later that the judiciary began to transform. It took until 1991 for the first female judge, Leonora van den Heever, to be appointed to the High Court. The first Black woman, Navanethem Pillay, joined in 1995. Significantly, at the cusp of democracy, two women were appointed to the Constitutional Court—Kate O'Regan and Yvonne Mokgoro. The first woman, Catherine Smith, was appointed professor (of mercantile law) in 1974 ("Professor Catherine Smith," n.d.). Almost 50 years after her, women in legal academia still face significant challenges.

These women represent a microcosm of the struggles encountered by women in South Africa in their quest for equal treatment in education and legal practice. These early accounts make it plain that exploring women in HEIs, including legal higher education, cannot be divorced from the wider and deeper historical context of South Africa's colonial past, manifested in apartheid. Exclusionary education policies and laws, exemplified by Bantu Education, were a critical component of apartheid's racist and segregationist policies (Akala & Divala, 2016). Education was segregated so that Black students were forced to attend schools and universities designated as "native".

These were underfunded as a matter of policy and, therefore, poorly resourced. Women were underrepresented: "women constituted 13.3% (502) of the total Black enrollment, in 1970, 18.9% (1,580) and in 1975, 21.6% (3, 928)" (Akala & Divala, 2016, p. 6). This trend was also reflected in the staff compositions at native universities, where Black men dominated. In line with gendered stereotypes, women were represented more in teaching and nursing roles (Akala & Divala, 2016).

Feminist theorists and critical scholars critique the segregationist development of this colonial period in a thick and layered manner. They point out that superimposed on this racialized system was a "patriarchal ideological violence" (Prah & Maggott, 2020, p. 516), undergirded by the "capturing of private markets within the education sector" (Prah & Maggott, 2020, p. 516); for the sake of profit, free and affordable education became incompatible with the "output based productivity measurements" (Prah & Maggott, 2020, p. 526). These measurements essentially favor a form of knowledge production that is exclusionary, hierarchical, and therefore patriarchal, bolstering and supporting the neoliberal framework. In the South African context, this neoliberal agenda was racialized so that the favored knowledge, if not always explicitly racist in theory, was reproduced to maintain the status quo.

This status quo has indeed persisted. Tablensky and Matthews (2015) assert that many, if not all, South African universities are struggling to transform. A literature review for the Department of Higher Educations Ministerial Task Team (MTT) Report on Black Academics (Department of Higher Education and Training, 2018, p. 4), demonstrates the extent to which the status quo has survived. It states, "although there have been multiple policy interventions since 1994 to address these inequalities, many of these challenges persist because of unshifting contextual socio-economic disparities."

2.2. Moving toward women in the legal academy

As noted, research on women in legal higher education in Africa is generally lacking, and South Africa is no exception. Bonthuys (2015) briefly mentions the activist role of legal academics in driving accountability for judicial transformation. This research gap exists partly because most efforts have focused on the aspects of the profession that are typically considered eligible for judicial appointment (advocates and attorneys). Thus, because academics are not considered vital for judicial office (Masengu, 2020b), their role in raising female leaders has largely been overlooked.

This oversight is confirmed by one of the few studies that address the issue:

> There has been a flood of publications on women in the judiciary and on gender and judging in the past few years. The situation of women in the legal practice has also attracted increased scholarly attention. Little, however, has been researched and written on women, gender and the legal academy. Nor have legal academic cultures received much serious attention...Study of gender and careers in the legal academy, therefore, represents a vital and neglected aspect of legal pedagogy and the professional field (Schultz, 2021, p. 1).

This neglect further justifies positioning women in legal academia as the focus of this research. Schultz (2021) notes that across jurisdictions, the experiences and challenges women face have strong similarities but also differences. However, she points out that every contribution to her edited volume "describes the legal academy as a male-dominated environment, where sometimes overt but always subtle forms of discrimination lead to unequal treatment of women..." (Schultz, 2021, p. 22). Dawuni's (2021a, p. 159) contribution on the legal academy in Ghana states that although discrimination is not overt, "gender hierarchies persist at the institutional, organizational and structural levels," where women are "often subjected to subtle and sometimes latent challenges."

For example, Dawuni (2021a) cites a participant who, although she did not feel any bias or discrimination from male colleagues, believed that had she been a man, she would have earned a better rank. Thus, she states that she is not overtly discriminated against but that hierarchies based on gender are still established. Dawuni adds that although women do increasingly have opportunities for leadership, they still have to prove themselves more than men do. However, the growing presence of women in the academy serves as a positive symbolic signifier for younger women. Dawuni (2021a, p. 162) writes:

> Women's symbolic representation will gradually change masculinized institutional cultures when a combination of factors are at play—when a critical mass of women in the academy is reached, when attempts are taken to address gender issues at the institutional level, and when opportunities increase for women's access to decision making-positions.

Over and above these overriding obstacles, Dawuni (2021a) notes several other challenges, some of which are briefly outlined. First, legal academics in Ghana are permitted to practice law and teach. However, "most women are not able to combine such workloads with the demands made on them as wives, mothers and caregivers" (Dawuni, 2021a, p. 162).

Second, institutional support (funding assistance to attend conferences or carry out research) is difficult to obtain because of the bureaucracy involved. Women tend not to undertake the burdensome process of applying for assistance. Third, societal expectations of having a family result in the burden of having a career while still meeting the demands of motherhood. Although some women have household help, such assistance does not alleviate the pressures and expectations to perform their motherhood roles and duties. Fourth, women find it challenging to secure meaningful mentoring relationships because most senior faculty are men.

In addition, the manner and locale through which such networks develop are often inaccessible to women who have familial responsibilities and face societal expectations to behave a certain way and not be seen with male colleagues after hours (Dawuni, 2021a). Last, some respondents reported having to cope with both ageism and sexism: "junior female faculty must constantly navigate the boundaries between deciphering when unwanted gestures and comments should be regarded as generational, and when these should be taken as sexist and discriminatory" (Dawuni, 2021a, p. 166).

As this brief account of women in legal academia demonstrates, the barriers faced by women in higher education are somewhat congruent with those for women in law more generally. Thus, this report aims to determine whether these themes resonate for women in South Africa's legal academia specifically.

3 THEORETICAL FRAMEWORK

Grounding this report in a theoretical framework advances our understanding of how to investigate, consider, understand, and explain the experiences of women in legal academia. Intersectional theorists have done well to offer a full exposition of the experiences of women of color in particular. First popularized by Crenshaw (1989), intersectionality acknowledges the "unique compoundedness" (p. 150) of oppression and discrimination faced by women of color and how racist prejudices and sexist biases combine to create a distinct set of issues confronting Black women. Intersectionality is relevant because African women have likewise experienced compound discrimination based on racist and sexist views; many researchers have utilized this framework in an African context. Struckmann (2018) builds on this theory in the context of postcolonial development. Transformation debates in South Africa have traditionally focused on race. This has led to the neglect of the unique forms of discrimination Black women face (Albertyn, 2011a; Bonthuys, 2015).

Likewise, in the higher education sector, several authors have noted the intersectional exclusion of women of color (Sadiki & Steyn, 2021; Zulu, 2021). The strength of intersectionality lies in its recognition that in a sociopolitical context of variegated hierarchies of power, discrimination is never experienced on a singular axis. Acknowledging the hierarchies of power that cause exclusion permits activists to address a range of intersecting factors. This lends itself to application in other contexts with complex histories of discrimination, such as post-apartheid South Africa. Feminist scholars in Africa, building on intersectionality, have argued for context-specific approaches that address this complexity.

One such approach is Dawuni's (2019) notion of matri-legal feminism, which offers a robust framework. Her work builds on the heritage of African feminist scholars but usefully addresses the tendency and oversight of other iterations of feminism to overstate their case by using overly broad categorizations, such as "African women," to situate the lived experiences and realities of individual women. It is useful to consider the role feminism(s) has played in critiquing HEIs.

Consider Prah and Maggott (2020), whose work is useful because it addresses the role of feminism(s) in the context of transforming higher education in South Africa. These authors do well in describing the trajectory of influence that various iterations of feminist theory have had in arguing for transformed institutions and practices. They argue that feminist theory can not only deconstruct patriarchal and neoliberal modalities embedded in HEIs but rehabilitate and reconstruct new spaces of theory and praxis in those institutions.

The authors detail the historical relationship between neoliberal capitalist expansion and African patriarchal systems, demonstrating how the two cohered to create "fertile ground for the success of the colonial project" (p. 517). They add that "the relationship between African systems of patriarchy and European-led capitalist expansion was figured on lines of mutual recognition, where the profits of exploitation and subjugation were seen as mutually beneficial to the male-dominated practices" (p. 517). As this relationship developed to drive capitalist demands, it implicated several structures and layers of social organization, including education. In South Africa, it was particularly insidious with the Bantu Education policy (Akala & Divala, 2016). The feminist iterations that Prah and Maggott (2020) outline have thus aimed at this captive racist nature of HEIs.

The feminist theory seeks to dismantle the relationship between patriarchy and neoliberal capitalism to repudiate the oppression that is attendant on this nexus. Prah and Maggott (2020) assert that, at its core, feminism is a refusal of oppression. For instance, social feminists placed emphasis on the "intersectional nature of women's alienation and marginalization [as] a result of a simultaneity of many systems of oppression" (Prah & Maggott, 2020, p. 524). This last iteration of feminism has found particular resonance with women of color and women from postcolonial contexts. It appreciates that oppression has been multifaceted and based on variegated hierarchies of power, as detailed by postcolonial theorists.

Furthermore, postcolonial feminism emerged as a strand that acknowledges the respective and relative positionality of women. It "recognizes that women experience oppression differently, in accordance with the intersection of their race, class, colonial history, culture and position in the global economic order" (Struckmann, 2018, p. 14). Substantive and meaningful gender equality depends upon a strategy that accounts for the crosscutting nature of exclusion. Equality must be formal (equality of opportunity and treatment) and substantive (equality of outcome and equal access by enabling and fostering conditions to effect the required changes). Thus, it would not suffice to simply consider the exclusion of women in a general sense or the number of women in legal academia to determine how far South Africa has come.

To contribute to equality of outcome, this report relies on an approach that is able to "identify the link between multiple and intersecting forms of discrimination" faced by women (Struckmann, 2018, p. 17).

Adopting a postcolonial feminist approach allows us to substantively and conscientiously capture women's experiences in legal academia. Even then, given the numerous colonial imperial enterprises worldwide, postcolonial contexts are unique and particular, rendering postcolonial feminism also at risk of overgeneralization and masking particular forms of oppression within specific localities. Thus, Prah and Maggott (2020) also delve into what they term "African feminism," arguing that prior conceptions of feminism did not adequately account for "African women's experiences, centuries old in their practice of feminist ideals" (p. 524). According to these authors, "African feminisms argue for the specificity of contextualizing the interconnectedness of racial, patriarchal, economic and cultural oppressions" (p. 524), which give rise to context-specific forms of combating patriarchal-neoliberal domination that can hardly be overgeneralized.

This iteration of feminism parallels Dawuni's (2019) novel conception of matri-legal feminism. Building on postcolonial feminist theories, it rests on several assumptions that resonate with the premises of African feminism. Like African feminism, it holds that the experiences of subjugation are different, and women experience "multiple intersections of subordination due to imperialism, race, class and world" (p. 460). African feminism recognizes that African women's experiences are embedded in practices of feminist ideals that are centuries old and have been ignored. Similarly, matri-legal feminism "challenges extant feminist critiques...for minimizing the precolonial antecedents of African women's political and legal mobilization" (p. 460). Matri-legal feminism is antiessentialist as it is opposed to overgeneralization and broad explanations of women's experiences in law.

African feminism is similar in that it advocates for context-specific approaches. However, on this point, matri-legal feminism is more robust because African feminism is arguably itself nonspecific and overbroad: "there is no such thing as the 'African women'" and "there is no such thing as the experience(s) of 'African women'" (p. 445). Dawuni, in support of these caveats, argues that by representing experiences as belonging to "African women," we risk "reproducing the hierarchical power" that feminist scholars purport to undercut (p. 445). African feminism is to be lauded for its advocacy of intersectional, context-specific approaches. However, it too may reproduce the inequalities it seeks to refute.

Matri-legal feminism is, therefore, more precise because it locates its approach in the specific system of matriarchy and matrilineal cultures that position women as equals.

These systems operate based on mutuality rather than exclusivity between the roles of men and women (Dawuni, 2019, p. 459). This mutuality formed the foundation of female participation in the sociopolitical life of communities in pre-colonial eras.

As Dawuni (p. 454–5) notes:

> ...women's legal and political positions in many African societies were not limited to a private, domestic, devalued spheres. Women-led armies to war, ...charted economic and entrepreneurial ventures...Women made legal and political decisions...Women-led liberation fights and movements...African women have always been at the forefront in resisting domination, at local and global levels.

Matri-legal feminism understands that women have always demonstrated a robust agency and inventive responses to subjugation and crises. Consequently, exploring the data through a matri-legal feminist lens is apposite precisely because it acknowledges specific and intersectional forms of engaging with challenges in the profession borne of an agency rooted in historical notions of mutuality that acknowledged women's leadership and contribution. Prah and Maggott (2020) acknowledge that South Africa "remained stalwart in its commitment to recognizing the integral role that women played in dismantling the repressive system of apartheid" (2020, p. 526).

The South African context appears to have a strong matriarchal heritage of resistance upon which we can assess the dimension of inclusion and exclusion. Several questions arise. First, as demonstrated, feminism is variegated, not a monolithic movement. Various iterations have emerged from the diverse experiences and realities of women. As the first question, this study explores to what extent, if any, this diversity of approach (in understanding the issues and posting the solutions) reflected among the female academics interviewed.

Second, the agency is highly valued by postcolonial feminist theorists. They argue that it is critical to recognize women as agents of change. For Struckmann (2018, p. 20), women are not "intrinsically vulnerable, but rather disadvantaged by unequal" power relations. Similarly, matri-legal feminism, because of its historicity of mutuality, assumes a base of agency that women can activate to refute oppression (Dawuni, 2019). To what extent do women in legal academia demonstrate an active agency to combat barriers and discrimination? Third, to what extent are the accounts of women's experiences in legal academia in South Africa reminiscent of the "precolonial antecedents of African women's political and legal mobilization" (Dawuni, 2019, p. 460)? Are they demonstrative of "women's traditional spaces of authority" (Dawuni, 2019, p. 461) and their ability to challenge domestic and international hierarchies?

4 METHODOLOGY

A mixed-methods data collection approach, using both qualitative and quantitative methods, was used. However, analytic emphasis was placed on the qualitative data; the quantitative data served to augment qualitative observations. This decision was informed by the adopted theoretical framework of matri-legal feminism because it values the specificity of context as it crosscuts with women's identity and roles in society. It is apposite to account for a myriad of experiences; it acknowledges specific and intersectional forms of experiencing and engaging with challenges in the profession (Dawuni, 2019). It is thus imperative to find methods that elicit these context-specific intersectional accounts. Qualitative research methods are best suited to documenting the lived realities of individuals and collectives (Hesse-Biber, 2010a), so the study used semistructured interviews to elicit the desired qualitative data.

The interview questions were informed, in part, by the themes that emerged in the literature review. Initially, the intention was to focus on seeking interviews from the University of Western Cape (UWC), the University of Stellenbosch, and UCT, but the response rate was low. The team decided to seek participants from other universities. Email requests for interviews were sent to 261 female academics across eight law faculties in South Africa: UWC, University of Stellenbosch, UCT, University of Pretoria, University of Witwatersrand, University of Johannesburg, University of Kwa-Zulu Natal, and North-West University. Thirteen responded, but only 10 agreed to be interviewed (Table 1).

Table 1 | Demographics of interview respondents

	DESIGNATION	HIGHEST QUALIFICATION	RACE	AGE	NO. OF CHILDREN
1	Professor	PhD	White	50+	2, Adult
2	Professor	PhD	Black African	45–49	2
3	Professor	PhD	White	50+	3, Adult
4	Associate Professor	PhD	Black	40–44	0
5	Senior Lecturer	PhD	Black African	40–44	3
6	Senior Lecturer	LLM	Indian	35–39	1
7	Senior Lecturer	PhD	White	30–34	1
8	Lecturer	LLM	Black	30–34	0
9	Lecturer	PhD	Black	30–34	
10	Junior Lecturer	LLM	Black	30–34	4

IAWL data sourcing, 2022

All interviews were anonymous and confidential, to permit participants to freely share insights and experience without concern for repercussions. This report suppresses identifying information: participant data (demographic or otherwise) is rarely, if at all, specifically linked to a named institution to guard anonymity. The videoconferencing platform Zoom was used for interviews, with the benefit of a simple method of recording, which captures the participant's permission to record. Once an interview was completed, the transcript was thematically analyzed to identify any common themes or trends.

To obtain quantitative data, the team undertook a documentary analysis by searching databases for official statistics reports on the number of women in legal academia, which did not yield any results. The team utilized a data feed dashboard hosted by the higher education management information system to obtain statistics about women and men employed in HEIs. However, this data feed did not appear to have a function to disaggregate the data by faculty to obtain statistics about gender. After that, the team contacted the faculty management of the eight universities for any and all statistical records. One manager replied that they did not have such records on hand, another referred the research team to their human resources (HR), and another responded that they would liaise with HR.

Despite following up on the latter two responses, the team received no official statistics. One respondent indicated that the proportion of women in the faculty was generally about 60%. The research team contacted the Universities South Africa (USAf), an umbrella body representative of the 26 public universities in South Africa, and the Higher Education Leadership and Management, a unit constituted by USAf for leadership training and capacity development. Neither of these contacts yielded any results.

Following the model of Sadiki and Steyn (2021), having coded for female gender and race to collect contacts for the interviews, the research team used the same method to establish preliminary data on the number of women at the faculties of law contacted for interviews. As noted by Sadiki and Steyn (2021) noted, this method has problems, as gender is a complicated and contested construct. Moreover, the research team only recorded the number of women at eight universities (approximately half of the university law faculties). It thus proved challenging to find official data on women in legal academia, reflecting that they have been an overlooked constituency in studying women in law.

The team adopted the Advanced Opportunities Questionnaire by Moosa and Coetzee (2020); it measures perceptions about advancement opportunities available to women at an HEI. The questionnaire lists 25 relevant factors. Each factor is scored on a Likert-type scale from 1, *strongly disagree*, to 6, *strongly agree*. The factors included gender stereotypes, career advancement barriers and supports, and female leadership and management.

The survey for this report was built using Google forms, which generated a link that could be sent to the person requesting participation. No identifying or demographic information was collected, and the survey was completely anonymous. It was sent, along with at least one follow-up reminder, to 261 female academics at the same eight universities as those for the interview requests. Thirty-five people responded to the survey.

Several key factors contributed to this report's small sample size and low response rate. The voluntary nature of the research meant that respondents had no obligation to participate, thus the limited numbers. The sensitive nature of some questions asked could also create concern over reprisals from respondents, their superiors and respective governments, resulting in a reduced response rate. Due to the demands of COVID-19 protocols, which restricted physical meetings and movement, fewer respondents than would have been ideal were interviewed. Moreover, limited time and resources for conducting the study constrained the team's ability to recruit a larger sample size. Another significant limiting factor was the possibility of survey and interview fatigue. Despite these limitations, the study's results still provide valuable insight into the challenges African female legal academics face in rising to leadership positions.

FINDINGS

5 ENTRY, RECRUITMENT, AND PROMOTION

5.1. Explaining the increase in the number of women academics in South Africa

A report by the Institute for Higher Education in Latin America and the Caribbean confirms that there is an increase in the representation of women in higher education generally (UNESCO, 2021). The report notes that women have "caught up with men's education levels and progressively attained higher levels of schooling than men" (UNESCO, 2021, p.11). For example, female enrolment in tertiary education tripled between 1995 and 2018. Women currently "outperform men on virtually every educational indicator in higher education" (UNESCO, 2021, p. 14). This includes the South African legal academy. Below are some variables which help contextualize the South African case of women rising in the legal academy. It should be noted that these variables are connected and should be considered in their entirety.

A. Introduction of a new constitutional framework

The oppressive system of apartheid systemically excluded Black people from pursuing a legal education. However, the legacy of apartheid was particularly devastating for Black women who faced discrimination based on race and gender (Albertyn & Bonthuys, 2016; Bonthuys, 2015). A new constitutional era was ushered in in 1994, marking the end of apartheid and the beginning of democracy. Equality is one of the foundational values entrenched in the Preamble of The Constitution of the Republic of South Africa, 1996. In addition, section 9(3) of the Constitution explicitly bans discrimination on the basis of gender, among several other grounds. The Preamble further states that the Constitution is the supreme law of the land. Any law or regulation that discriminates against women is unconstitutional. Consequentially, any laws or regulations that discriminated against black people in the legal academy became illegal. The removal of such legal impediments opened the legal academy for black women, leading to an eventual increase in female academics in South Africa.

B. Enforcement of anti-discrimination laws and regulations

Following the new constitutional order, South Africa has developed a strong web of anti-discrimination laws and regulations against gender discrimination that have trickled down into policy implementations. Since the 1990s, several attempts have been made to transform the gender and racial composition of higher education institutions, including law schools. The constitutional injunction has given rise to anti-discrimination legislation, such as the Promotion of Equality and Prevention of Unfair Discrimination Act No 4 of 2000 (PEPUDA) and the Commission for Gender Equality Act No 39 of 1996, which establishes a Commission empowered to evaluate policies and practices relating to gender in the public and private sector.

These laws and policies serve as the legal impetus for institutions to implement policies and practices that address gender imbalances. In addition, the strict enforcement of anti-discriminatory laws deters academic institutions from discriminating against women out of fear of legal ramifications such as civil suits and criminal liability. This has led to an increase in the number of women entering the legal academy.

C. Affirmative action policies

One of the anti-discrimination principles worth mentioning is affirmative action as provided for in the Employment Equity Act 55 of 1998 (EEA). Section 17 (1) of the EEA defines this concept as "...measures designed to ensure that persons in designated groups enjoy equal employment opportunities at all levels of employment and are equitably represented in the workforce of a relevant employer." In other words, affirmative action ensures that qualified people from historically disadvantaged groups (including women) have equal opportunities in the workplace and are equally represented in all job levels and categories in the workplace.

According to Blunt, South African universities embraced the principle of affirmative action right from their introduction to South African institutions (Blunt, 1998, p25). Consequently, affirmative action has led to more "qualified" women being offered positions in South African universities in general. However, in law faculties specifically, our data indicates that there have been just nine female deans since the advent of democracy in South Africa in 1996. It is encouraging to note that while there are more males in senior professoriate positions, there are more females in pipeline roles that lead to professorship, namely associate professor, senior lecturer and lecturer (See Table 2 below). Therefore, the South African legal academy is poised for the female advantage if lingering intersectional biases are addressed.

D. Social and cultural transformations on gendered norms and expectations

Another explanation offered by the UN Report notes that 'contextual and political changes are inextricably linked to cultural change which translates into the increasing adoption of gender-egalitarian norms and values' (UNESCO, 2021, p15.). In other terms, the entrenchment of equality as one of the fundamental values of this country has led to a change in society's perception of the roles women play in the community. Ultimately, this transformation has resulted in more women aiming for and occupying roles in previously male-dominated industries such as academia.

This transformation is perhaps demonstrated by some of our respondents who reported pushing back against unequal treatment. For example, a senior academic, Participant C, reported pushing back against unequal pay. Other respondents reported mentorship programs for women, some of which would unlikely have been housed institutionally without the foreground of such constitutional and cultural change.

E. Increasing female enrolment and increased opportunities for (black) women in education

South Africa mirrors the global trends in the progress of women's enrolment in tertiary and higher education. The transformation of higher education in South Africa gained momentum after 1996. The opportunities for women and racial minorities to access educational institutions also meant that more women and racial minorities were now qualifying in large numbers. The traditional excuse that “there are no qualified black women academics” (Mabokela, 2000) is no longer valid. As more women graduate from law schools and elite law schools, their prospects for being hired as academics are increasing.

F. Academia is considered a more flexible job option

The academic career has been generally ranked as one that affords more flexibility for the demands women have to navigate between their professional and private lives. Compared to the life of an advocate who must fulfill long billable hours, the academic career allows women to have standard work hours—between teaching, grading and service work. In South Africa, this perception of flexibility is a pull factor for most women joining higher education institutions as it allows them to maintain a work-life balance.

G. Positions in academia are no longer sought after by men

Academia was previously a male-dominated area, and leadership positions such as deanship were viewed as prestigious in society. However, nowadays, being an academic comes at a cost of low salaries and slower chances of promotion due to the demands of maintaining a heavy teaching load while meeting the demands of an active publication for promotion. What was once a "golden trophy" for men has lost its intrigue, and more men are leaving the academy to pursue more lucrative careers in the bar or the bench. Another trend that has prompted a shift towards hiring more women is the choice by male law graduates to join law firms over joining the legal academy. It is suggested that this migration by men to other legal professions has created the much-needed space for women to pursue careers in the academy and achieve leadership roles.

While these factors have led to higher numbers of women in the legal academy in general, the number of women in leadership positions remains lower than men. Table 2 lists the women who are a dean or heads of departments across all law schools in South Africa. The data shows that currently, there are five female deans, eight female deputy deans or school heads, and 12 female heads of departments across commercial law, public law and private law. In total, there are 25 women in executive and administrative leadership across 17 law faculties.

It is noteworthy that there are gaps in the data. The desktop review and the subsequent gender coding method used to glean these statistics were inconclusive because the data provided does not reflect past historical appointments. It is possible that women were appointed to leadership positions in previous years, but their appointments may not have been documented consistently, which could have led to an incomplete record. For example, in addition to the five deans listed, our desktop review revealed that four other women had served as deans in years prior to this research: Professor Najma Moosa (UWC), Professor Julia Sloth-Nielsen, Professor PJ Schwikkard (UCT) and Professor Penny Andrews (UCT), making it nine women in total, in the highest leadership position of dean. This strongly suggests that female leadership is, in fact, a growing trend.

Table 2 | Number of women in leadership positions (May 2022)

University	Dean	Vice/ Deputy Dean	Head of Department
UCT		Prof Kathy Idensohn	Prof Caroline Ncube
UFH	Dr Nombulelo Lubisi		
UFS			Prof Elizabeth Snyman-Van Deventer
UJ			Prof J Calitz Dr Michele van Eck
UKZN			Dr Willene Holness Dr Lindiwe Maqutu
UL			
UNISA			Prof M Budeli-Nemakonde Ms GS NkosiM
UNIVEN			
UNIZULU	Prof. Lorraine Greyling	Dr K Naidoo	
UP	Prof Elsabe Schoeman		Prof Dyani-Mhango
US	Prof Nicola Smit	Prof Juanita Pienaar	
UWC			Assoc Prof Riekie Wandrag
Wits		Prof Engela Schlemmer	
WSU		Ms NN Ludidi	
RU		Prof Helena van Coller	
NWU	Dr Neo Morei	Prof Michelle Barnard	
NMU		Dr Lynn Biggs	Prof Joanna Botha Prof Elmarie Knoetze
TOTAL	**5**	**8**	**12**

Source: Data gathered from university websites in May 2022. [1]

[1] These websites are not necessarily updated regularly and may not be accurate. Coding for gender using images and bio descriptions is not reliable. Administrative staff are excluded.

When considering the figures in the academic pipeline, it is conceivable that women will gradually equal and potentially outnumber male academics at this senior level provided the attrition and retention factors are lessened or eliminated. The data from Boschoff and Bosch (2012) showed there are more female associate professors, senior lecturers, and lecturers than men. This increased pool of women will increase the number of female professors and emeritus professors and likely impact the institutional environment of faculties across South Africa. This was suggested by Participant C, who pointed out that the culture at the law faculties she had been a part of has changed over the years due to more women in leadership and some of the "blatant aspects [of patriarchy, old boys networks] have been diluted."

Significantly, there is an increasing female presence and possible female advantage in legal higher education in South Africa. However, this does not, by necessary implication, diminish the challenges that women face. As highlighted by UNESCO: "the recognition of the female advantage should not be interpreted as an indication of full gender balance in higher education...a more nuanced analysis of existing evidence of gender balance in higher education shows that there are some persisting inequalities" (UNESCO, 2021, p.17). This much is clear from the response given by participants in this research. Women still perceive challenges in the legal academy as uniquely gendered, and the report now turns to these persisting challenges.

5.2. The challenge of an untransformed pool of recruits

Section 13 of the South African Employment Equity Act (55 of 1988) mandates certain employers, HEIs included, to implement measures to address underrepresentation in employment—specifically to employ Black South Africans, women, and people with disabilities. Universities are mandated to have a staff profile that reflects the nation's demographics. To achieve this, a diverse pool of candidates is necessary. However, it is apparent that departments university wide, including law faculties, face significant challenges in diversifying this pool (Department of Higher Education and Training, 2019). The MTT report outlines the career pathway of academics in higher education (Figure 2).

Figure 2 | **Career pathway of academics in South African University**

Source: Department of Higher Education and Training, 2019

Undertaking doctoral studies is critical for becoming an academic. Several studies have discussed the challenge that women face in this process (Naicker, 2013; Schulze, 2015). This is also the case for a number of law faculties in South Africa. The "Report of the Status of the LLB" notes that:

> Stringent criteria for new appointments also limit the pool of applicants for posts. The requirement of a Ph.D. or [National Research Foundation] rating for Associate Professor and Professor level appointments does not assist in reaching the greatest number of potential staff members (CHED, 2018, p. 38).

Unlike the other fields of study, law has a strong cohort of female graduates; 57% of undergraduates are female (LSSA, 2018). Moreover, according to higher education management information system data, female graduates outnumber male graduates (Higher Education Data Analyzer, 2022). However, this factor only makes the lack of women in the practicing professional context more noticeable; a noticeable rate of attrition occurs after graduation, which legal researchers have noted (Cowan, 2006; Masengu, 2016; Phooko & Radebe, 2016). For example, in the attorney profession, Masengu (2016) notes that a pattern of vertical stratification occurs when women enter in significant proportions but then begin to leave, resulting in the more senior positions in firms being dominated by men.

No reliable official statistics exist on the composition of legal academic staff (as opposed to attorneys and advocates), so it is difficult to assess whether the same pattern of attrition operates. Study informants' sentiments suggest that the pattern is not as stark, and some expressed less concern about the ability of women to be recruited, especially in view of the apparent growing, if not critical mass of women in some faculties.

Participant B's statement reflects this:

> It is strange, but I have never had a sense in academia, that women were held back. We're quite a female-strong faculty, generally. Certainly, in the sort of younger ranks of lecturers, we have a lot more women...and even among the professorial group...there's still major strides to be made in terms of transformation at the professorial level, but certainly in terms of gender, I think professorial as well as associate professorial level...there are lots of women.

This is not to say that these same characteristics are not present within the pool for the legal academy; the proportion of Black women compared to other categories of the profession is unclear. The inequitable demographic imbalance in academic staff is a reflection of the lack of transformation in the pool of postgraduate recruits for academia. South Africa presents a strong indication of some women's intersectional challenges: White academics outnumber academics of color and Indian and African academics. White women are the "most overrepresented group," making up 25.3% of the academic staff. African women are the "most underrepresented group" at 16.1% (Department of Higher Education and Training, 2019, p. 25). Again, without reliable numerical data, it is difficult to assess whether these observations are explicitly replicated in the legal academy, but no specific reasons exist to question this. Considering the inequitable distribution of legal professionals, heavily weighted in favor of White people and men, White women may be overrepresented compared to Black women.

One participant stated:

> **I mean, I think White women in my faculty have much support and power, and they are quite dominant.**

Another White participant noted that her race would be a disadvantage for her because of her poor track record of transformation. She considered this a personal disadvantage, however, her noticing it may represent tacit recognition of how White women have traditionally benefited more than Black women, leading to an active and conscious attempt to prefer Black over White women.

5.3. Research, teaching, and administration: so much to do, so little time

In a survey on the challenges women face in higher education, 16% of the women surveyed identified the "one size promotional route" (Seale et al., 2018). Likewise, the MTT report (Department of Higher Education and Training, 2019, p. 32) stated that "performance appraisal systems at universities tend to be biased research performance over other aspects of the academic role, for example, teaching. Academics who view their role as teachers as being equally or even more important are disadvantaged."

Subbaye and Vithal (2017) position teaching differently than research vis-à-vis the advancement of women in academia. These authors identified no statistically significant difference in promotion success rate between men and women, finding "promotions outcomes being equitable by gender" (p. 936) and that men achieved higher excellence scores in teaching. They note that although men are overrepresented in senior ranks, women are increasingly applying for academic promotions, which will swell the next rank of senior lecturer. The authors assert that including and recognizing teaching as part of promotion policies is one strategy to advance women in legal academia. Thus, in partial contrast to Schulze et.al (2021), teaching is an opportunity, rather than a constraint, for female advancement.

Ramnund-Mansingh and Khan note:

> There are stringent and prescribed criteria for the progression into senior academic management roles (irrespective of gender) dictated by the South African Department of Education, where an academic Head of Department or Faculty Dean cannot progress into those roles without specified academic qualifications, research outputs and/or leadership experience (2020, p. 59).

Presumptions of incompetence appear to have operated within participants' experiences. However, it was encouraging to see that none of them expressed the sense that women cannot be academics or declared an inherent mismatch between the "stringent and prescribed criteria" required and ideas and stereotypes of what a woman is. All participants reported research as critical for promotion, but finding time for it in view of teaching responsibilities, community engagement requirements, administrative burdens, and family responsibility proved challenging. When asked whether the process of acquiring these competencies was gendered, participant responses were affirmative but hedged. Female academics have some challenges acquiring these competencies. However, participants differed as to what extent and whether women uniquely and overwhelmingly experienced those challenges. They were careful to note that it had nothing to do with actual capabilities and more to do with social expectations of women as caregivers and mothers.

Participant G, for example, said that

> **"I wouldn't say that women do better or worse in terms of the competencies...but there is always a gender penalty for...having kids and having to slow down to raise a family."**

Similarly, Participant A offered a qualified take: “I don't think it's gendered...so any submissions you make is anonymous so that can't be gendered whether it's accepted or not...the only way gender could play a role is you need to have time to do research.” She went on to describe how men in her department often reject extra work that would take time from research, whereas

> **women “say 'yes' more easily to things that are not going to actually further their career.”**

Participant H also reported that women tend to take on tasks that detract from their research: “I don't think women are comfortable saying just blatantly 'No, I don't want to do that,' or 'I don't want to participate in that' when we're asked to do something. We're more likely to say 'okay,' or 'I know I'll do this.'” She reported this in the context of detailing her struggle to complete her Ph.D. Despite being on a research buyout (funding paid to the university to permit the researcher time to conduct work), she was still asked and agreed to assist in an admissions committee. Participant F noted: “In our performance evaluation...its 40% teaching, 40% research, and 10% community service...but practically it's not reflected in the way we actually spend our time...we're just not being given enough time to do research.”

These experiences are congruent with work done by other researchers on Black women's experiences (Mokhele, 2013). Schulze's (2015) longitudinal narrative study of two women as they completed their doctorates recorded that heavy teaching loads prevented them from focusing on their research. Teaching is heavily valued in the academy but also presents an impediment, with its time-consuming nature depriving women of the research experience necessary to compete effectively for promotion (Naicker, 2013).

The MTT report determined that considering the value placed on research output, the barriers academics face in pursuing research are the same in their career progression (Department of Higher Education and Training, 2019). An example of one such barrier reported by young academics was a heavy administrative and teaching workload. A second example is the challenge of sourcing funding for research. All of these tasks, if not properly monitored and managed, will disproportionately affect female academics, who will be burdened with work that may slow their teaching and research progress. This may lead to attrition because women are unable to justify their appointments without a strong research profile.

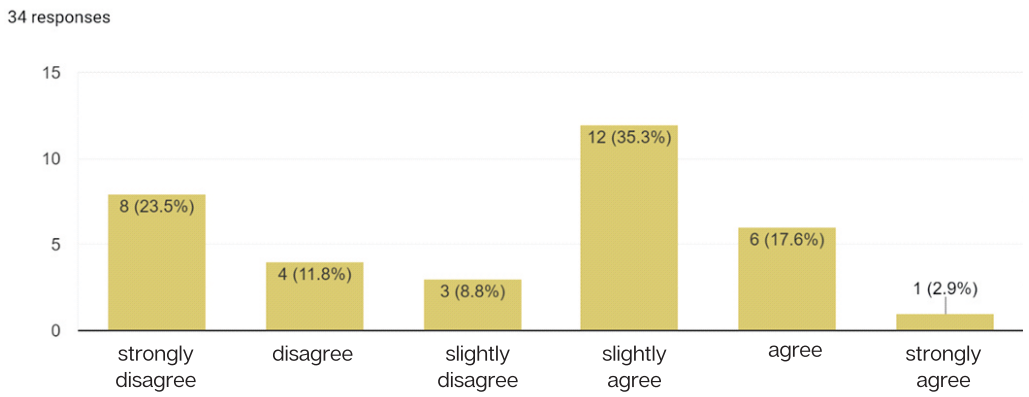
5.4. Opaque promotion criteria

Talking about academic experiences in Ghana, Dawuni (2021, p. 163) notes that "fuzzy and unclear promotion" presents another challenge to retention. Some participants in her study reported that "the absence of transparency in some instances left junior faculty in positions of subordination" (p. 163). Her study somewhat resonates with the participants' experiences in this study. Specifically, promotion processes are obscure and opaque to the point that participants consider that these may permit bias and discrimination. The Council for Higher Education (CHE) Report (2018) reported that in law faculties, "promotions are governed by applicable policies in each institution. Most require staff to meet criteria in teaching/learning and research excellence in order to move up in the academic ranks" (p. 39). Only one of the 17 faculties at the time of this report did not have a formal promotion policy. Several participants referenced promotions and performance appraisal policies. How, then, can it be said that the process is obscure and, therefore, a barrier to promotion?

The criteria may be opaque not because the requirements are unknown—participants know what they need to do—but because the requirements, although presented as objective, comprise concealed processes and knowledge apparent only to those with a measure of institutional capital to access that knowledge. This is detailed later, but Participant F addressed this: "I felt so lost, like I just felt like I didn't know half of what I needed to know, just to get by. And yes, I knew I had to teach, I had to publish, I had to research, I needed to attend conferences, and I didn't know how to balance all that. No one explained to me."

This experience of feeling lost appears to be supported by the survey data. Fifteen (45%) respondents either slightly disagreed, disagreed, or strongly disagreed with the statement that "women are given guidance on advancing in their careers through personal development plans and performance management system." Twelve respondents only slightly agreed, suggesting a limited measure of confidence in the guidance provided. Figure 3 demonstrates these findings.

Figure 3 | **Women are given guidance on advancing in their careers through personal development plans and performance management systems**



Source: Survey Questionnaire (IAWL, 2022)

All participants reported research as critical for promotion and career advancement. Research efforts are demonstrated through a range of performative practices, such as publishing and presenting at conferences and academic symposia. Two participants mentioned the importance of research, iterating the common academic adage "publish or perish" (one called it "toxic"), and other participants were advised that without a Ph.D., they would not be promoted.

However, when asked for further explanation, it became apparent that despite this so-called objective and sometimes even explicit requirement, a complete grasp of promotion processes and expectations still remained elusive. Consider this remark from Participant A: "we had this debate, we actually set promotion criteria, so part of it was how many publications you need to get to the next level, and then some people complained...they thought...even if they made those publications they wouldn't get promoted. So there was the sense of maybe there is a bias." Despite the process of explicating the criteria, some in the faculty had little, if any, confidence in that process.

Contrast this to Participant D's insightful comparison:

> **...comparing my experience in [private] practice to academia...there's a much clearer bottom line in practice. If you are billing and if you are meeting your budgets and you're getting the work, excellence is valued in a much more objective sure way. ...equal ability to progress or your value in the institution is much easier to measure. Whereas in academia, the things that people value are much more nebulous...publication outputs are often of the sort of objective measure but then there are barriers even to those...**

First, publications are unlike billable hours; either they are much harder to value, or the valuation process is not transparent to academics. It is harder to assess how publications add to the bottom line of HEIs. This harkens to discussions about the disjuncture of experience created by the neoliberal bent of HEIs wherein publications are only valued for their ability to add to the bottom line.

Second, even if we grant that publication is an objective measure, "there are barriers even to those." Participant responses revealed at least two ways that the publication process could be a barrier to retention and promotion. The collective point to be made about these ways is that they constitute practices and knowledge that are either elusive or simply not obvious. Two participants drew attention to the fact that it matters where a publication appears; some journals are accepted and respected, but others are not. Participant D talked of "predatory journals," "people end up publishing in the wrong things...there are a lot of what's known as predatory journals that seek unknown scholars out and then they publish in those journals...[those] publications don't count as accredited...so you've done all that labor for nothing."

Predatory journals are described as "journals that exist for the sole purpose of making profit" (Mouton & Van Niekerk, 2021, p. 1). These predatory journals violate and suspend standard editorial practices and review processes (Mouton & Van Niekerk, 2021). Much can be said about how the label "predatory" may be part of the pantheon of gatekeeping methods to determine which knowledge is acceptable; that is, maintaining knowledge production hierarchies that may be exclusionary and uncritical (Mouton & Van Niekerk, 2021, p. 2). However, for this narrow point on promotion, even "which journals are acceptable" or "some journals are unacceptable" is not always apparentto new entrants and thus damaging to young academics' career prospects. One participant indicated that this knowledge appears more readily to White and male academics who have a certain level of comfort in the space to glean it. One participant reported having to repeatedly ask for assistance and speak of her plight before she connected with an academic who helped: "somebody gave me a whole list, had coffee with me and gave me a list of all the journals and ranked them."

A related and unclear concern regarding publications is how frequently one needs to publish to gauge the growth of their academic profile. Part of the challenge, mentioned in a prior section, is the time it requires to carry out research, on top of other work obligations. For example, Participant A stated, "...I'm not really sure what the expectation is, but I always go on, I tried to publish two articles per year. Doesn't always work. And sometimes it's one and three or whatever. But on average, I try to publish two articles per year. And that doesn't sound a lot, but it takes a lot of time."

5.5. Black women struggle

Black women in South Africa are constantly negotiating the intersection of gender and race in the academy, similar to the challenges faced by women in other professional domains and public life (Zulu, 2021). Black female professors have often reported feeling unwelcome and undermined within their leadership positions (Zulu, 2021). In addition, a report by the Commission of Gender Equality (CGE, 2015/2016) highlighted the disadvantage of Black women: they are economically marginalized, disproportionately employed in low-paying positions, and underrepresented at senior levels.

Crucially, Black women are also affected in the legal sector. A 2014 study by the Center for Applied Legal Studies to determine the barriers and challenges women face in legal practice looked at the experiences of legal academics, practicing attorneys, and advocates. It found that Black women encounter a myriad of barriers throughout their legal careers (CALS, 2014). Some of these barriers include a lack of connections to facilitate navigating professional networks, cultural alienation because of historical exclusion from social interactions, bias based on race and gender, sexual harassment, unequal access to work opportunities, and a lack of childcare facilities.

Masengu (2016) writes on women in the judiciary in South Africa and Zambia, with extensive work monitoring interviews for promotion to judicial office and facilitating legal sector workshops. In these workshops, women reported that they were often confronted with perceptions about their inability to meet dominant cultural expectations about what it takes to win, such as graduation from elite universities, employment uninterrupted by parental leave, and legal aptitude assessed not by actual knowledge and skill but rather by cultural markers such as articulation, accents, and appearance. These markers essentially constitute the dominant male, middle-class, Eurocentric culture. Women reported that absent these markers, as is the case for many Black women, their competence and ability are often challenged rather than presumed as it is with White men.

In assessing the interplay between how race and gender have featured as criteria for transformation in judicial appointment processes, Bonthuys (2015) argues that the collision of patriarchy and Whiteness has meant that race has consistently overshadowed gender. This overall argument harkens back to a central feature of intersectional theory: exclusion does not occur on a singular axis of discrimination. In particular, she argues that participants in the judicial services commission have not recognized the intersection between race and gender to the detriment of the most needed form of transformation—the appointment of Black female judicial officers.

This failure has resulted in changes that, though important, still fall short of meaningful and inclusive gender transformation. As noted, intersectional theorists highlight "unique compoundedness" (Crenshaw, 1989, p. 150) of both racist and sexist prejudices that combined to create a distinct set of issues confronting Black women.

First, the focus on race means that it has inadvertently become a proxy for gender so that in appointing Black candidates, the selectors have invariably appointed Black men. Second, and conversely, ignoring this intersection has meant overlooking the extent to which women experience differing axes of exclusion so that the appointment of White women has equally been seen as achieving the goal. Third, this failure has also led to a focus on numbers (number of Black and female candidates) instead of a deeper meaning of transformation. Thus Bonthuys (2015, p. 132) argues that in appointing more women to the judiciary, selectors "need to take account of differences within groups of women to avoid appointing only those women who are most advantaged" and choose women who demonstrate a commitment to gender equality. Participant J intimated some of these complexities when she recounted how her rose-tinted view of law and practice slowly changed in her early years of practice. Specifically, she suggested a disproportionate effect on women of color:

> But I think the turning point in terms of a more critical orientation was definitely in corporate practice because, again, in theory, you know, understanding that there are legacy issues. So in the South African context, that came from colonial apartheid. But then experiencing it, seeing it being experienced by colleagues and friends, you know, both on my level as candidate attorneys and associates, but also just watching it happen to senior, particularly Black women colleagues.

Later in the conversation, it was clear that the "legacy issues" to be dealt with impact Black women related to race and gender. Bonthuys's (2015) argumentation raises the question of the same intersectional interplay between race and gender in questions of transformation in HEIs and the legal academy specifically. Consider Figure 18 on the percentage of instructional/research staff disaggregated by race and gender. Given more White female instructional staff than any other category, including White men, and more men than women in the category of African instructional research staff, perhaps something can be said for this interplay working against Black women. However, from 2015 to 2020, the Black female instructional staff increased from 14% to 18%. The CHED Report only considers the racial profile of academic staff, not mentioning the gender proportions (2018, p. 38).

Participant J demonstrated that intersectional considerations are at play. When asked how she and her colleagues think about their role as teachers and lecturers, she confirmed that their conceptualizations are influenced by race and gender:

> Certainly, I think it would be gendered. I think it would be racialized. And I think it would be racialized and gendered as well, to varying degrees. In the South African context, classes are racialized and gendered as well. So when we speak of class, I think that also, is kind of inclined to an intersectional approach but one that, as challenging as it is to navigate, simply isn't additive, what that really means in terms of the kind of the embodied experiential difference that I think, Black female colleagues face.

To the point about the struggle for Black women, Participant I particularly decried the lack of support that Black colleagues and especially Black women received. She raised this when recounting a story of requesting assistance with a template for a task and being told to "Google it."

She said:

> **"So it's almost like I have to work harder than my male counterparts. I have to work harder again than my White counterparts as a Black female. Because as compared to other faculties is where you find, okay, other counterparts being White, they are more supportive of each other."**

It is, therefore, possible that in the academy, efforts at transformation tend to prioritize race over gender, accentuating the intersectional challenges that Black women and women of color face in the entry and prospect for promotion into leadership positions.

5.6. The challenge of building a research profile

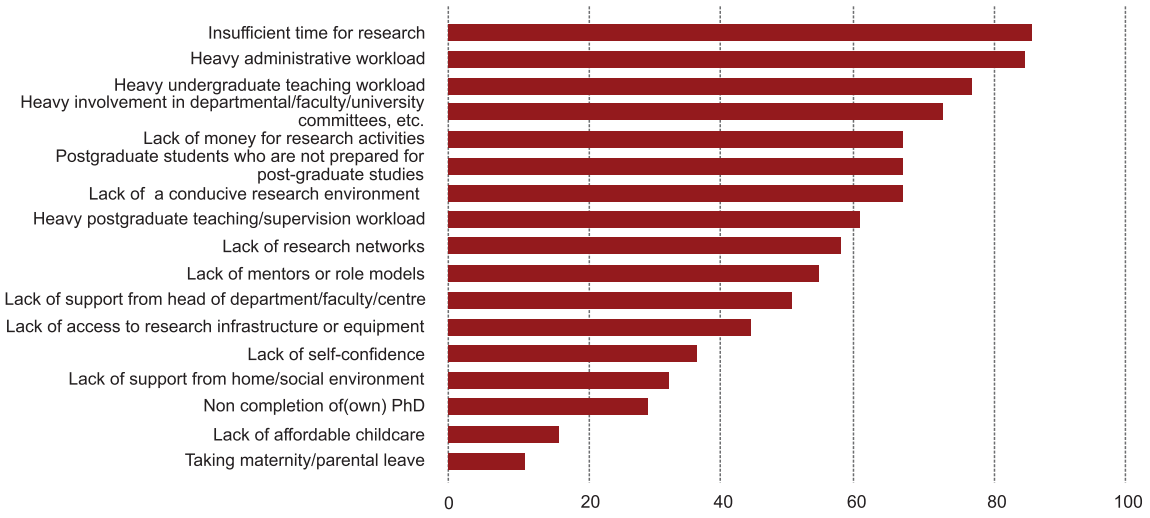
One main barrier to women's promotion is the time needed to undertake research, which was often required for appointment to the professoriate (CHED, 2018). Because universities are in the business of producing knowledge, research as a unit of such production is of paramount importance.

To be eligible for promotion, one must not only publish but demonstrate an ability to build a strong research profile that includes works in a variety of outlets with high academic rankings.

For most scholars, research requires bringing in funding, and both are not always easy for women, who have to navigate the intersecting challenges of lack of mentoring, sponsorship, and networks within the publishing and grant-making spaces. Consequently, women are more likely to face a double-barred door in their quest to develop a strong and consistent research profile.

Figure 4 lists a set of barriers ranked by importance. One example reported by young academics was a heavy administrative and teaching workload. The second challenge is sourcing funding for research. The CHED Report (2018) confirms that in many law faculties, the heavy teaching loads negatively affected their research capacity and that most law faculties require excellence in teaching and research to be promoted. It is likely that women who fail to conduct sufficient research to build their profile and increase their national ranking risk hitting the glass ceiling. The report noted that staff teaching large classes or having heavy teaching loads slowed down their research output equally needed for promotion (CHED, 2018).

Figure 4 | Research barriers experienced by academics at South African universities



Source: Department of Higher Education and Training (2019)

Congruent with the MTT report finding (see Figure 4), several participants confirmed that "insufficient time for research," "heavy administrative workload," "heavy undergraduate teaching workload," and "heavy involvement in departmental committees" were barriers. For example, Participant A confirmed that finding time to do research was a challenge: "...on average, I try to publish two articles per year. And that doesn't sound a lot, but it takes a lot of time." She added that getting this time, in fact, requires an academic to "have the opportunity not to do other work" that detracts from research. She discussed the tension between sacrificing research time when teaching or sacrificing teaching time when doing research.

Despite research being the critical component to advancement, she calls it "selfish":

> **I think research is almost a selfish part of your work. Right, so you can put all of your job into teaching, you can put all of your energy into teaching and do it well. And all of your energy to social justice and do it well, or help with all these committees. But the research is the selfish part because that's where you say no to everything else, you don't teach that well and you just do research. So it's very much also a personality thing, whether you're selfish or not.**

Participant H confirmed the heavy administrative workload and involvement in committees. She described her work on an admission committee, noting the heavy day-to-day detraction of duties related to it and ones like it. Participant B also described this as a particular challenge. She stated:

> I guess another challenge is that there's quite a bit of administration in this job, and it's not a skill set that academics have. And so, these are things you have to learn, there's a lot of administration, there's a lot of dealing with students, students' emails, and also dealing with students who have expectations.

Schulze (2015) observed that it is critical to obtain a doctorate to be a full-fledged academic. As part of the research process, prospective doctoral candidates require opportunities to develop professional skills and identify a research agenda. Workshops and conferences often provide chances to build crucial confidence and networks. However, the preparation for these opportunities is onerous. Participant D elaborated on various aspects involved in building a research profile, which included attending conferences, applying for funding, and creating a teaching portfolio and noted that all of these functions are likewise time-consuming, often taking "days to complete."

Some women have experienced difficulty in being published in journals that count, in part because "old-boy networks," which determined acceptance, were not receptive to the kind of work that some female academics were engaged in (Naicker, 2013; Schulze, 2015). Although no participants specifically reported rejections due to their type of scholarship, two did report pushback and ridicule for their critical perspectives in their respective fields.

Participant D stated:

> If you have particular politics, your life will be easier. And so if you're known to have marginal politics...which is not...sort of quiet liberal politics, then you will be ridiculed, I have been ridiculed for my scholarship, for caring about social justice and for viewing mining as a problematic social justice issue by a colleague in the lift in front of another colleague...

Similarly, Participant J reported being challenged by a colleague that she convened a course because she included critical scholarship in the reading list. She described another instance of ridicule during a presentation on some of her research.

With all of these burdens and barriers, it is no wonder that some women find it difficult to acquire the necessary research profile. It appears that women often have less discretionary time to conduct research, present at professional conferences, and be published in high-ranking journals (Mokhele, 2013).

5.7. Knowledge production and the politics of citation as a prerequisite for promotion

Following closely from this discussion on building a research profile is the need for one's research to be cited by other academics, a phenomenon that one participant called the "politics of citation." Academic citation is a form of discourse that builds and legitimizes certain forms of knowledge. It is a performative action through which academics prove their credentials by demonstrating a grasp of the "right" knowledge. This, in turn, authenticates the cited academic as a reliable credentialed researcher. A hierarchy of knowledge congeals around White and male academics, who have historically dominated HEIs to the exclusion of other knowledge producers, particularly those who are substantively critical of the favored knowledge (Ahmed, 2013; Kim, 2020; Mott & Cockayne, 2017).

In South Africa, promotion committees often consider research ratings of the National Research Foundation. These ratings are informed by the H-index, which considers how many times a scholar has been cited.

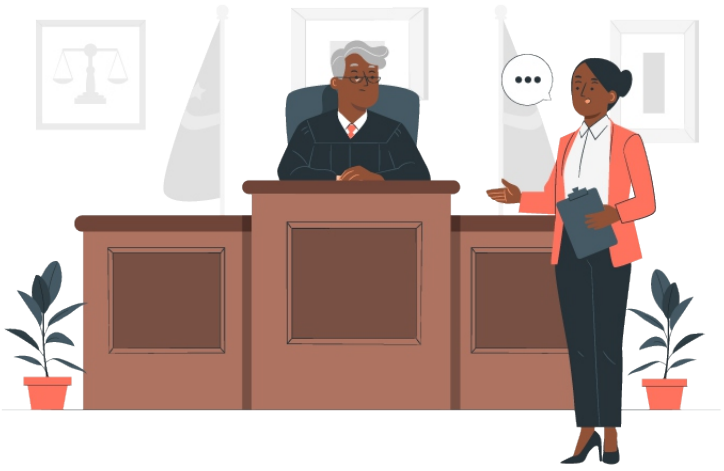
Given this established hierarchy, dominated by White men, Participant D states:

> Because women are a minority in academia, and we don't have boys' clubs, and we don't just cite each other's work...The same scholars tend to be cited. So your citations tend to be less...straight White men have the most citations in basically any field. ...that impacts your progress, career progression...and it's a systemic issue that [you have] very little control over.

She noted that although it was an explicit criterion expressed by the promotion committee at her institution, "I only found out about its significance through a fellowship...mainly for emerging Black scholars, that kind of really helps you understand some of these hidden messages." Thus, it was explicit, but its importance was not apparent. Laudably, a collective of Black scholars helped to unearth this "hidden" knowledge, thereby demonstrating the intersectional challenge of gender, race and age (as evidenced by academic rank).

The nature of legal practice and inquiry, with doctrines such as stare decisis and originalism, lends itself particularly well to preserving and maintaining these hierarchies of knowledge production. Given the historical context, in terms of which local forms of dispute resolution and normative repertoires were co-opted by colonial administrators through laws and legislation, knowledge production methods such as citation practices may serve only to maintain a logic in legal inquiry that is Eurocentric and patriarchal. Consider the work of Albertyn (2005, p. 219), who notes that the law is a "site of power and an arena of struggle." The law can indeed have a transformative force, but its impetus toward change can often be challenged by an internal dialectic to maintain the status quo. For example, amending legislation to have more transformative prescripts is hindered by rules and laws that make it difficult to amend legislation.

The net effect is that law has a tendency to "[include] or [accommodate] women in an existing set of social and economic relations—where the fundamental power relations remain unchanged" (Albertyn, 2005, p. 220). A deep conception of the transformative power of law, one that fundamentally changes power relations, requires legal strategies that address the normative and conceptual underpinnings and its application and practice (Albertyn, 2005). Inasmuch as the law should seek to implement normative imperatives that substantively address gendered concerns, it cannot do so unless its actors are equally so imbibed.



6 CHALLENGES, POINTS OF ATTRITION, AND BARRIERS TO RETENTION

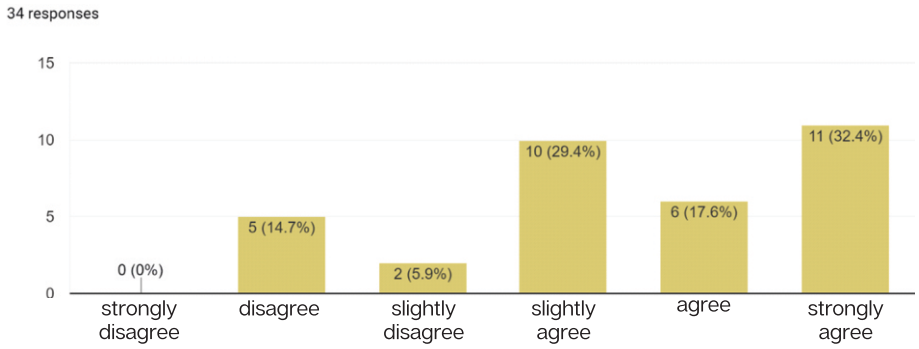
This section discusses the challenges women face in the legal academy and the impact of those challenges on their upward mobility and chances of ascending to leadership positions.

6.1. Institutional culture and the lingering "old-boy club"

Several writers and projects have noted the operation of what is now commonly referred to as the "old boy club" (Naicker, 2013; Phooko & Radebe, 2016; WOZA, 2019). According to Moosa and Coetzee (2020, p. 400), "the old-boy network signifies an exclusive informal club where men use their power to help other men from a similar social background or with similar schooling to advance in their careers." Participants in these studies reported exclusionary experiences occasioned by networks of men with shared capital based on a shared common history or shared access to certain spaces.

However, only three participants directly mentioned that network insofar as using the term "old-boy club." The first raised it in the context of "politics of citation"; male academics use their old-boy club to occasion citations. Participant H reported that while working at her prior institution, she never felt comfortable going to the staff tea room because "I didn't feel like I belonged." She stated, "it almost felt as if it was a little boys club." Initially, she considered that it might have been due to her junior status, but then "I realized that none of the other female academics were ever going there. They would go somewhere else completely." Participant C, the most senior, referenced it when recalling her early years in academia: "when I first came to [institution], I felt very uncomfortable. The old boy's network was very dominant." She described being paid significantly less than male colleagues of the same rank. However, she reported that she felt it had changed because of the increased presence of women in the faculty and senior leadership positions. See Figure 5 on the responses from the study survey.

Figure 5 | The "old-boy network" is a barrier to the progress of women in the workplace



Source: IAWL survey questionnaire, April 2022

Given that only three interview participants reference that network, could institutional network dynamics actually be shifting? This possibility of change is suggested by Dawuni (2021), who argues that the transformation of gendered norms and perceptions about women academics while slow will change. The symbolic representation of women in the legal academy influences the way younger women feel and think about their capabilities. Despite these reports about old-boy networks, other reports suggested that this change, as argued by Dawuni (2021b), is indeed taking effect. Participant A, a senior lecturer, stated, "if there is gender bias or structural problems, then it's not obvious, but I don't work [here] and think jo, they've got a problem with women."

Participant F, a junior academic, despite taking issue with the lack of mentoring support, still said of the overall culture:

> I find the culture very supportive. In my specific faculty. ...I came from a highly dysfunctional institution ...I was just glad to be in a functional work environment where it felt like there were adequate checks and balances and felt like HR actually did what it was supposed to do. Most forms of discrimination are not tolerated, and there's a general sense of respect and collegiality. And that sense of supportiveness. It's a very healthy work environment in that sense.

Participant B, another senior lecturer, said that while more transformation was needed at the professorial level, she had never felt held back: "you know, it's strange, I have never had a sense in academia that women were held back. We're quite a female, strong faculty...".

As mentions of an old-boy network are still made in the same breath as changing circumstances, perhaps it still lingers, but its power is being diluted and depleted. However, respondents to the questionnaire raise doubts about this assertion: 27 (79%) agreed with the statement that "the 'old-boy network' is a barrier to the progress of women in the workplace."

It is therefore apparent that further and deeper inquiry is necessary into the effects of the increased presence of women in changing the institutional culture and making it more receptive to the needs and survival of female academics.

6.2. The high context of legal academia: Learning to play the game

Another reason it is perhaps premature to argue that the codes and modes of operation of the old-boy network are being diluted is considered here. Pretorius et al. (2019, p. 19) posit that universities are constituted by high-context transactions, making them high-context cultures:

> High-context transactions encompass pre-programmed information present in the receiver and in the setting, with only minimal information in the transmitted message. This means that communicators have to know a significant amount about what is going on at a covert level in order to function.

Participant F expressed some very articulate views that echo this notion. First, she recounted an experience when a male colleague of the same rank but appointed a year after she was about to secure a place at a conference and published within six months of his appointment. She reported that it occurred in part because he was able to secure a meaningful mentor because "they have established a process for themselves to mentor one another." Of watching this unfold, she stated:

> I remember sitting there like watching all of this and being like, "what the … ?" how is this happening? …So, in essence, they paved the way for him…He will even say that it's all set out for him…and there are things that he doesn't have to struggle for the way that we have to.

She continued by emphasizing the particular exclusion of Black female academics by comparing it to the experience of a White female academic:

> We hired a group of young people, and then one of them, who happens to be White and maybe female, ends up getting the mentorship. Why would that happen? Because she's White, she came to the university. She probably knew because they've been in academia longer than Black people, right? She might have better connections, might be able to navigate this world a bit better just by virtue of that sort of historical knowledge and awareness of whatever it is, or connections…But it's definitely as a Black academic…you do not have a lot of institutional knowledge and awareness of what somebody whose parents were academics probably had…So there's a steep learning curve…Academia is kind of like a game, you have to figure out how to play this game, and you don't just figure it out like you don't just come into and say, "Oh, I know how to play this game." Like somebody needs to actually teach you, you need to have seen somebody play that game.

Participant I expressed similar sentiments regarding the expectations that she should somehow know certain things (preprogrammed):

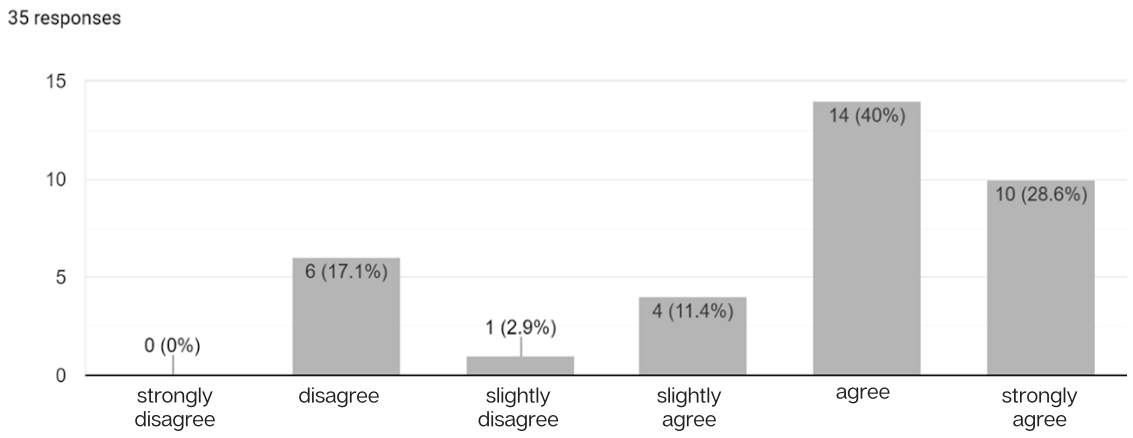
> When I came in here, no one told me how important research is no one. The component of teaching is important, yes, but not as important as research for the university and the faculty itself. And because of that, I lagged behind a lot. Now, after finding that information for myself, I see that it's very important for me to push myself. And I have given myself the burden of writing three articles, plus, during my Ph.D. No one takes the blame for it. It's almost like you're expected to know information that is not given to you by management or people who are supposed to assist you. And when you don't know, you don't know. How do you expect me to know when you didn't tell me?

These extracts provide an example of how academia operates as a high-context transactional culture. Participants are treated as if they are preprogrammed with certain knowledge so that they can function with "minimal information in the transmitted message" (Pretorius et al., 2002, p. 19). Those with foreknowledge of the rules of the game advance more quickly; women of color face intersectional biases and exclusions and have the least experience playing the game, so they drop out of it more quickly. The rules are constituted by social customs and methods of communication that become normative and are "beneficial to some and a hindrance and disadvantage to others" (Moodly & Toni, 2019, p. 179).

6.3. Gender stereotypes and bias about leadership

It appears that, much like women in other sectors of academia and even legal practice, women in legal academia must contend with gender stereotypes and biases (Figure 6).

Figure 6 | Gender stereotypes may prevent women from reaching leadership positions



Source: IAWL survey questionnaire, April 2022

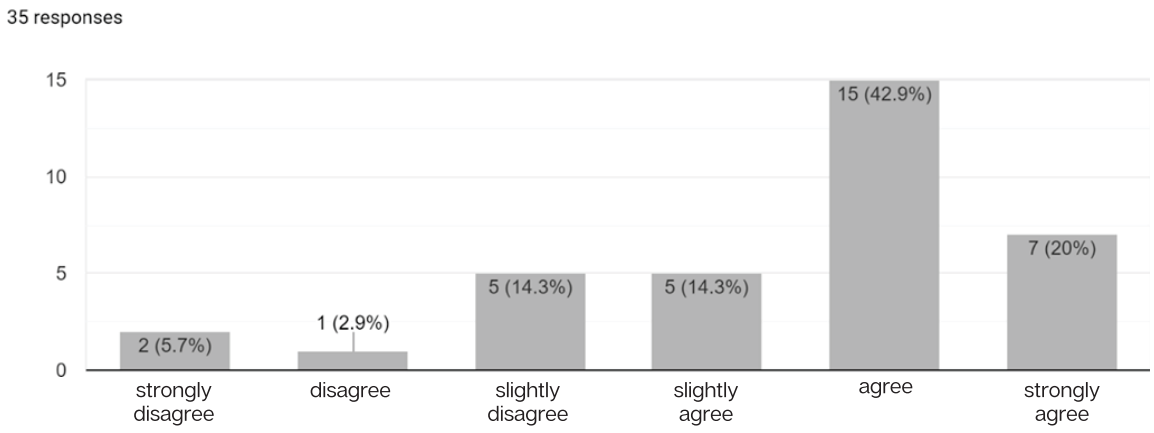
The majority of respondents agreed that gendered stereotypes might prevent women from reaching leadership positions. Some of these dynamics may be due to attitudes internalized by women themselves so that they work in ways that are self-defeating. These attitudes may stem from biases that regard women as conflict-averse, gentle, interpersonally sensitive, and people-focused (Moodly & Toni, 2019).

Participant A stated:

> **And what I have noticed...some men in my department have said no to extra work. Or when they've been asked to teach more, they've said no. So I don't think it's an enforced thing, but I think women may sometimes seem to say yes more easily to things that are not going to actually further their career.**

Participant H was clear in her view that women tend to take on tasks that detract from their research work: "[I] don't think women are comfortable saying just blatantly 'No, I don't want to do that,' or 'I don't want to participate in that' when we're asked to do something. We're more likely to say 'okay,' or 'I know I'll do this.'" Some of these biases that women operate under may be culturally rooted. Figure 7 shows that the majority of respondents believe that cultural beliefs make it difficult for men to accept female leaders.

Figure 7 | Cultural beliefs make it difficult for men to accept female leaders



Source: IAWL survey questionnaire, April 2022

Two interviewees revealed experiences that may be culturally couched in practices that see men as paternal protectors. In some personal contexts, these practices may be acceptable, even endearing, but in the professional context, they are patronizing. Participant D recounted being addressed as "little sister" by a male colleague. At the same time, Participant H described a condescending attitude from an older man whom she perceived to regard her as a daughter rather than an equal colleague. These two accounts are also layered with the complexities of dealing with seniority and the intersectional challenge that can pose for women who have to navigate their identities as women, younger women, and sometimes single young women. Women placed at these intersections have a steeper curve to ascending to leadership positions or receiving the needed mentoring and support to develop professionally if they are seen as culturally inferior to old men—both Black and White men.

6.4. Motherhood and attrition: "They never finish"

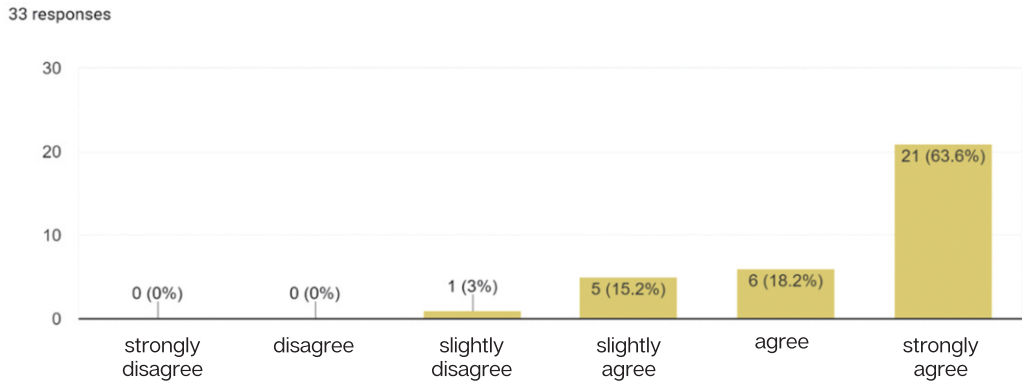
Another area of congruence between the wider research in the literature and this report is how family responsibilities and social expectations about childcare and parent care disproportionately affect women's careers (Dawuni, 2021b; Masengu, 2016). Phooko & Radebe (2016, p. 323), speaking of the legal profession (attorneys and advocates), observed that the profession does not accommodate people with family responsibilities. Instead, it "is created on the premise that everyone, regardless of gender, has the same capacity for working hours and arrangements."

All but one participant accepted that despite the many advancements and changes in academia, unequal family responsibility affected female capacity to give time and attention to the tasks required for career progression. For example, Participant I stated, "...my motherly responsibilities, coupled with my professional responsibilities—I've had to put on hold my professional responsibilities because of being a mother. I'm saying, could there be more support from management?" Participant H relayed the experience of one colleague who had still not completed her Ph.D. after several years of trying:

> ...And then you have people who may be you started with, maybe they were ahead of you, and they never finished...By the way, none of them are men. They're all women...We're trying to balance family and home and, obviously, are not coping. And that's why they've never finished. So 10 years later, they haven't finished.

It is, therefore, clear that the challenge of balancing the personal and the professional can force women out, unable to complete the research competency and so acquire the necessary skills and experience needed to take leadership positions. Results from the survey demonstrate that the struggle to balance motherhood and work is likely common for female legal academics, as it is for most working mothers.

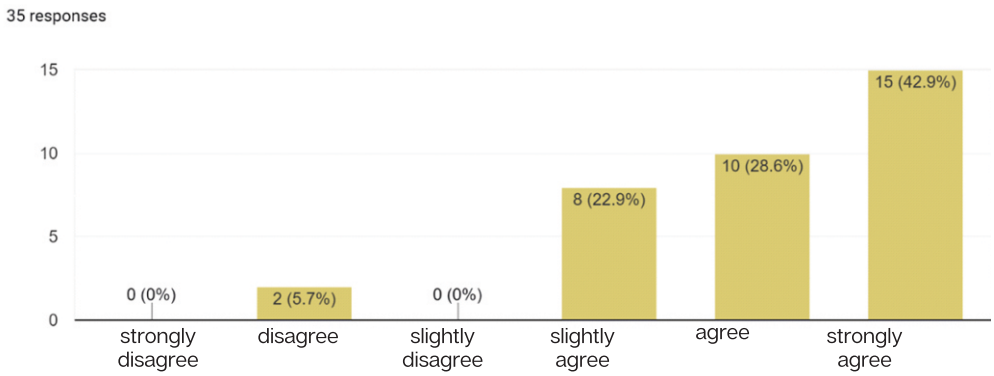
Figure 8 | Achieving a work–life balance is a substantial challenge if you have a demanding career



Source: IAWL survey questionnaire, April 2022

Figure 8 shows that a significant majority of respondents–21 (64%)–strongly agree that achieving a work–life balance is a substantial challenge with a demanding career. Notably, when the question pertains to motherhood specifically, female legal academics still track with the trends mentioned above.

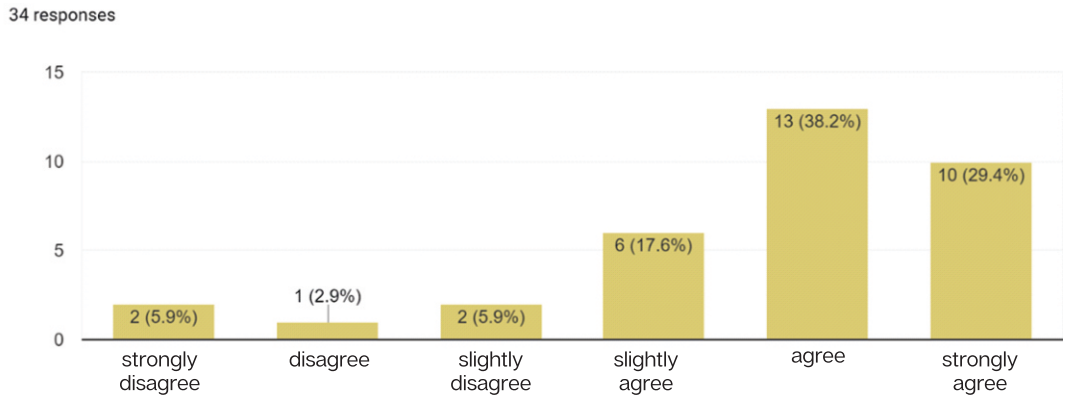
Figure 9 | Women with children will find it harder to advance in their careers



Source: IAWL survey questionnaire, April 2022

Figure 9 shows that the majority of respondents slightly agree (*n* = 8), agree (*n* = 10), or strongly agree (*n* = 15) that women with children will find it harder to advance their careers. Despite these sentiments, respondents were still positive about their careers vis-à-vis their family responsibilities. Participant H, for example, considered her motherhood a career opportunity. Her perspective is discussed in more detail below, but it demonstrates the resolve of women in the academy to succeed. Consider Figure 10, where the majority of respondents agree that women can advance to senior positions even when coping with family responsibilities.

Figure 10 | Women can advance to senior positions even if they have family commitments



Source: IAWL survey questionnaire, April 2022

Participant E was quite adamant in her view that motherhood was no excuse for not doing the work necessary to advance:

> **I, throughout my career, have been incredibly irritated by colleagues who use their gender as an excuse for wanting favorable treatment and not coming up with the goods. There are many, many exceptions to this, and among women...we work very closely, but then, the ones who sort of say, well, "I just had a baby, so I can't write anything for the next five years." No. Sorry. Everybody else works through this... I'm not particularly persuaded by this.**

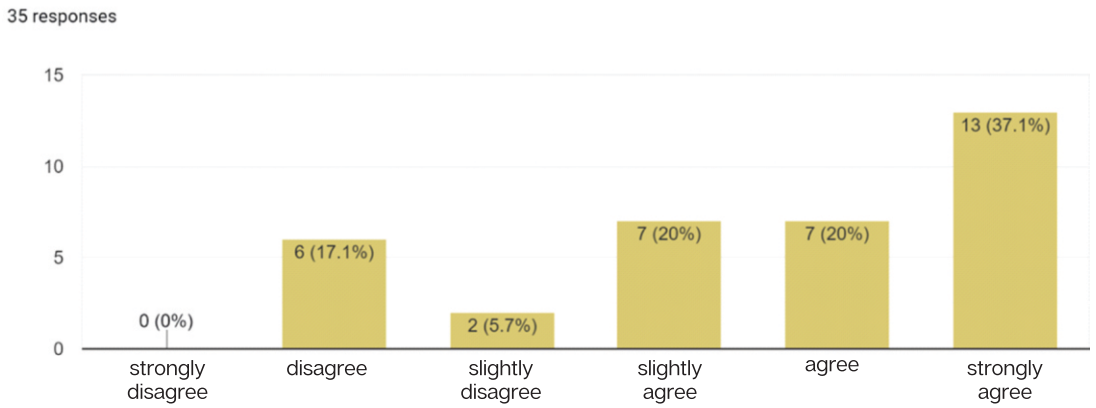
6.5. Contested opportunities for leadership advancement

Academic leadership positions are scarcer than teaching and research positions. The limited number of positions means the pathways and opportunities are narrower and more contested, leaving room for a culture of the "survival of the fittest." Moodly and Toni (2019) describe the culture of universities as masculine, marked by sexism and authoritarianism. Constitutive of this masculinity is the much-maligned old-boy clubs, in which men prefer to select other men to form social and professional networks—and to occupy positions of authority and leadership. These networks are often oriented around male-dominated patterns of behavior and socialized practice.

Ramnund-Mansingh and Khan (2020) found that the old-boy network and queen bee syndrome impacted the career trajectories of the participants in their study. Echoing the work of Moodly and Toni (2019, p. 61), these authors assert that the image of an "academic" remains attached to the image of "male, middle-class and middle-aged men." This idea dominates until it becomes an unstated measure against which "othered" academics (women, racial minorities, persons with disabilities, sexual minorities, etc.) are judged. However, for the participants for Ramnund-Mansingh and Khan (2020), the "middle-class, middle-aged male" was not simply a standard but a real actor. Their participants reported opposing male colleagues who resisted their leadership, and they banded together: "according to eight of the participants, the boys' network is bold and transparent in their actions" (p. 62).

The authors also outline what they term the "paradox of female leadership" (p. 64). They argue that female leadership tends to be more collaborative and inclusive. When women choose not to imbue these so-called feminine qualities, opting instead for male leadership traits, they sabotage and jeopardize the progression of other women. This type of female leader is called the "queen bee": "they align themselves with the old boys' network to safeguard their success and, in doing so, eliminate any female competition" (Ramnund-Mansingh & Khan, 2020, p. 64). Participants in this study found that although women had equal opportunities to take up leadership positions, it was easier for men to do so.

Figure 11 | It is easier for men than for women to advance to leadership positions

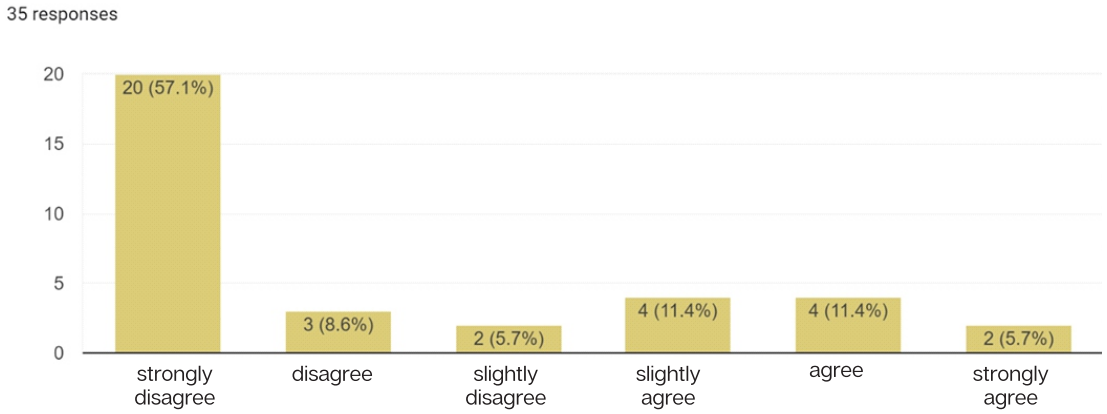


Source: IAWL survey questionnaire, April 2022

Phooko and Radebe (2016), addressing underrepresentation in the legal profession, note that legal work is distributed by systems of patronage in exclusionary spaces made of relationships borne of the old-boy network. Without access to these networks, women do not obtain the work required to bolster their career profiles and advance to leadership positions. A similar barrier to advancement is reported by Chitapi (2018), who revealed that the structure of the bar as a voluntary association based on referrals often resulted in unequal access to work opportunities. This problem was particularly acute for women of color, who were excluded from the referral networks. The 2019 Women in Law roundtable series also reported that old-boy networks exclude women from the pathways to success (WOZA, 2019).

Our respondents believed that men had more *opportunities* for leadership, but they nonetheless believed that women still had equal *capabilities* to advance in leadership; 57% strongly disagreed that leadership roles are meant for men with no family commitments. They believed that despite their professional challenges and care commitments, women could equally succeed in leadership positions.

Figure 12 | Leadership roles are meant for men who don't have family commitments



Source: IAWL survey questionnaire, April 2022

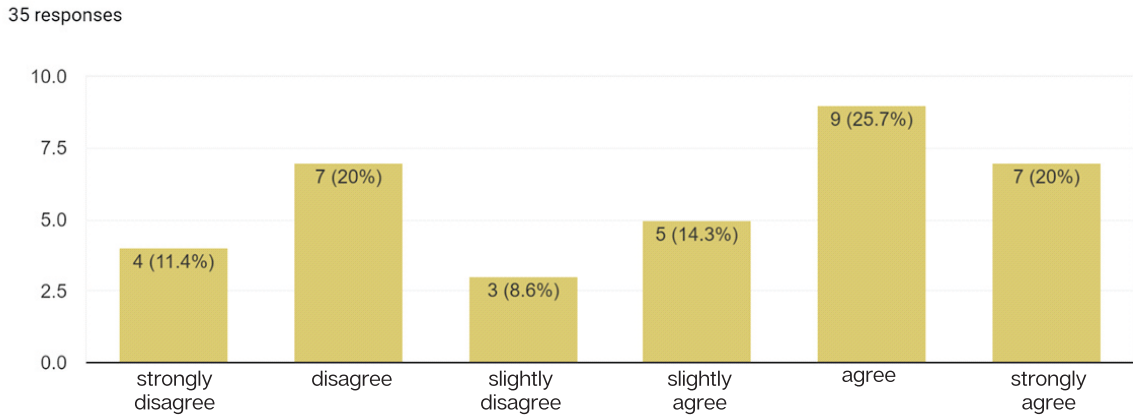
There are strong reasons to think that these networks operate in the legal academy. They are often constituted by historical ties established in shared spaces, such as schools and universities (Pratt, 2012). The relationships that occasion these networks in practice are likely born partly in the time spent studying for a legal qualification. We expect, therefore, to see their operation in the legal academy itself.

6.6. Women have a mixed view of leadership

Thornton (2021), writing on the state of feminism in the Australian legal academy and the impact of the neoliberal disposition on it, offers an assessment of how this might play out in a gendered manner. Although Thornton does not necessarily present leadership as diverged, she does well to tease out a tension between what she calls the managerial (administrative) and the professoriate (academic). She writes, "managerialism—a corollary of the neoliberal university—has contributed to a sense of unease, particularly as the 'managerial' has replaced the professoriate as the new elite" (2021, p. 471). She argues that as this neoliberal bent has taken hold, managerialism, associated with authoritarian and masculinist traits, has emerged as a "super-stratum above the increasingly feminized middle management (that is, deanship) in an endeavor to maintain the traditional gender regime" (2021, p. 467). As women have advanced to higher levels in the professoriate, they have been dispatched to deal with attendant middle management administrative roles, such as the deanship and/or head of department, where they have been expected to defer to more senior managers who ensure the neoliberal agenda. It is unclear whether this pattern appeared for the female academics in this study.

Consider these findings from the survey in response to the statement, “attaining a position of power is appealing to me” (see Figure 13, which shows that women are interested in applying for leadership and managerial positions).

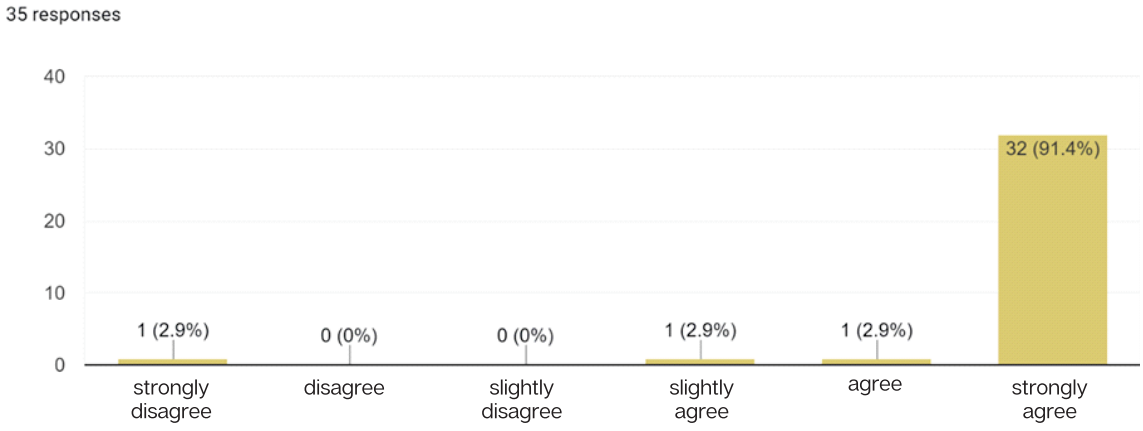
Figure 13 | Attaining a position of leadership is appealing to me



Source: IAWL survey questionnaire, April 2022

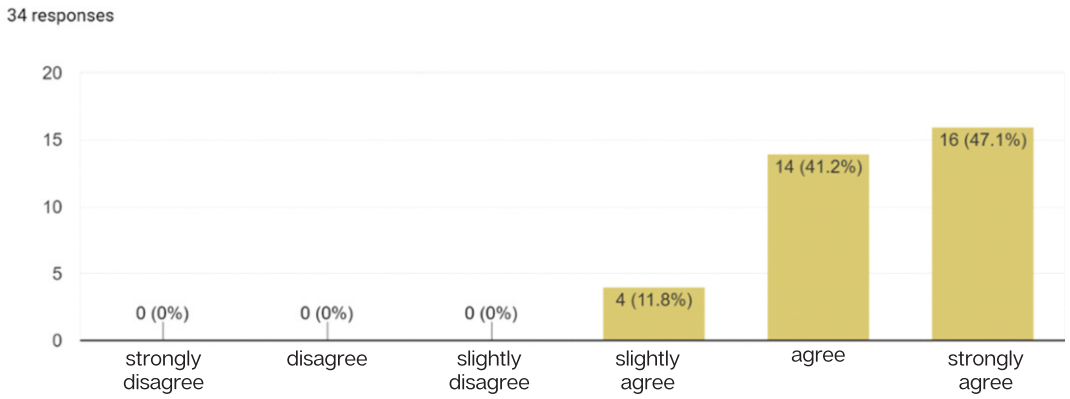
Women appear to have varied ambitions toward leadership. The variation in ambition does not appear to correlate with perceptions about women's ability to be managerial leaders. Thirty-two of the respondents (91.4%) strongly agreed with the statement “women can be successful managers” (see Figure 14).

Figure 14 | Women can be successful leaders



Source: IAWL survey questionnaire, April 2022

Figure 15 | Women would apply for leadership positions if the opportunity arose



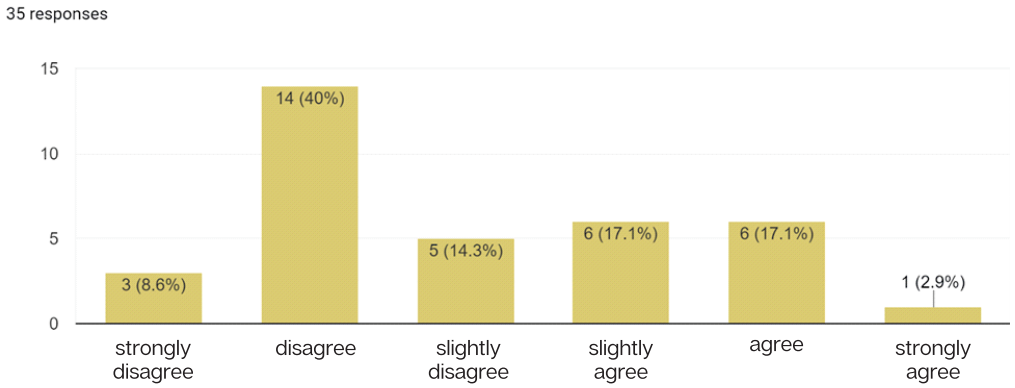
Source: IAWL survey questionnaire, April 2022

The interviewees showed a mixed response towards managerial ambition and leadership.

Three participants were senior professors, each with managerial experience. One had held such a position during a transitional period, and another during the student protests #FeesMustFall and #RhodesMustFall that gripped HEI in South Africa in 2015/16. None of these three seemed to indicate a sense of being relegated to mere middle management. Participant E expressed a clear sense of purpose and pride in her role as she directed and drove shifts within her faculty context. Participant G expressed a personal dislike for the role of head of the department rather than a professional sense of resisting hierarchies: "I thought maybe university management would be the next step. But then I realized that I really hate admin. I hate people. So that's not a good fit." These mixed responses raise the need for further research, specifically exploring the managerial experiences of women legal academics.

Notwithstanding the challenges and barriers in leadership roles, it also appears that respondents generally favorably regard their opportunities for leadership. For instance, although 12 respondents agreed with the statement that "women are often given leadership positions that are doomed to fail," the majority disagreed; three respondents strongly disagreed, 14 disagreed, and five slightly disagreed.

Figure 16 | Women are often given leadership positions that are doomed to fail

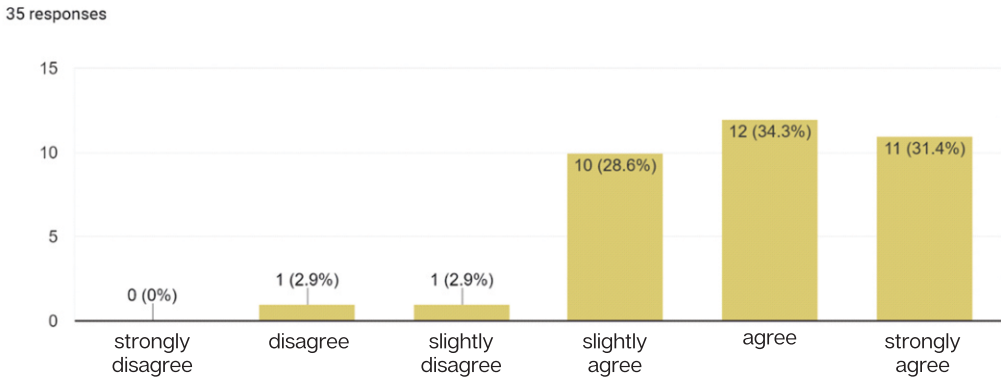


Source: IAWL survey questionnaire, April 2022

Despite this favorable view of leadership, the majority—33 respondents—still agreed that "women managers are often challenged by male colleagues" (Figure 17). This question was most readily discussed by interviewees related to issues of seniority or student perceptions about female academic staff, discussed in detail later. Only one interviewee, Participant J, reported being unfoundedly challenged by a male colleague, who criticized her for including critical scholarship in her reading list:

> But there was one instance where I had a colleague...where we have kind of coordination, which isn't a leadership role. It's just literally a kind of administrative coordination role. So all the colleagues...are theoretically equal. They all have an equal say in the course material production of assessments, etc. But I had a White male colleague who kind of constantly exerted a kind of dominance and resistance to the desire to have more feminist readings in the syllabus, and to have more Black authors in the syllabus.

Figure 17 | Female leaders are often challenged by male colleagues



Source: IAWL survey questionnaire, April 2022

It could therefore be argued that the varied ambition for leadership (see Figure 12) is accounted for not because women regard leadership intrinsically negatively (they do not—see Figure 16) but rather because they encounter challenges and dissent from men and perhaps even female counterparts more than a male leader would.

6.7. Women's struggles are individual, but black women struggle differently

Recall Dawuni's (2019) account of matri-legal feminism, which is antiessentialist and opposed to overgeneralizations and broad explanations of women's experiences. This perspective builds on the work of postcolonial feminists, who hold that experiences of subjugation are different and intersectionality, which highlights how women experience challenge and oppression along multiple lines and intersections of identity—race, gender, and class, for example.

Participants appeared to have individuated experiences of challenge and discrimination from their differing intersections. For example, Participant D clearly distinguished her experience as a Black female academic and that of her White female colleagues. She said, "I think White women in my faculty have a lot of support and a lot of power, and they are quite dominant." Another participant, an academic with a foreign background, was incredibly self-aware of how her experience of the challenge was likely different to other women of color:

> **"I think I have had a better time race-wise than my South African colleagues...because you actually find that White people treat Black foreigners slightly better than they treat Black South Africans."**

When pressed on these differences, she noted, "I didn't grow up here, so I can't read all the nuances...it might even be I miss a lot of the racialized."

Contrast this to a White woman, Participant A, who stated, "I think it's more difficult for a White person to get into academia at the moment. I'm not saying it's wrong because it's not transformed enough...there is a problem with transformation...But obviously, I'm also thinking about myself."

These responses emphasize the point that experiences are indeed very individual. Consider the experience of Participant E, who, when asked whether it was more challenging for women to acquire the required competencies to advance, responded, "well, let me start by saying that I'm not actually; I don't regard myself as a feminist." She acknowledged gender gaps but reported being "incredibly irritated" by women who "use their gender as an excuse for wanting favorable treatments and not coming up with the goods."

She criticized women who use family obligation as an excuse for extended periods—"'I can't write anything for the next five years.' No. Sorry. Everybody else works through this." She was "not particularly persuaded," especially when half of the faculty she worked with were women. Although she has a reason not to use her gender/sex as an excuse not to write or do other tasks, her response also raises the important question of the need to recognize and respect the intragroup dynamics and lived experiences of each woman.

For instance, a retired female professor will not have the same research challenges as a woman who has young children, and a woman living with a physical disability will have to navigate additional barriers compared to one who is not. Consequently, the idea of intersectionality helps us to understand these nuances and how the solutions can be better tailored for different categories of women in the academy. The choices women make about whether they will take up a leadership position are closely linked to their historical, cultural, situational, and individual experiences and contexts.

6.8. Black women and the presumption of incompetence

Similar to other contexts, women of color undergo a peculiar and particular experience of exclusion in South Africa. Participant F, a young Black woman, shared her experience entering the profession and trying to make sense of what she was meant to do: "I felt invisible." Likewise, Participant D, an academic of more than 10 years, reported a "long experience of being invisible" as she dealt with administrators and colleagues in the initial years of her appointment. This echoes experiences of invisibility noted in other research (Cowan, 2016; Mokhele, 2014; Naicker, 2013). One context where this differentiated experience based on the intersection of race and gender is potentially most pronounced relates to competency. Feminist and critical scholarship has highlighted the "contradictory culture of academia":

> On the one hand, the university champions meritocracy encourages free expression and the search for truth, and prizes the creation of neutral and objective knowledge for the betterment of society—values that are supposed to make race and gender identities irrelevant. On the other hand, women of color too frequently find themselves "presumed incompetent" as scholars, teachers and participants in academic governance (Harris, 2012, p. 1).

As argued, it is a presumption because it is based on an unfounded and unseated racialized view of academic capabilities. Due to the segregated and racialized history of education, the university culture in South Africa continues to be associated with Whiteness; hierarchical deviations from it are encumbered with all the prejudices that occasioned segregation in the first place (Tablensky & Matthews, 2015).

Whiteness is associated with qualification and competence, while Blackness, relegated to the so-called "lesser" fields, is considered less accomplished. Intertwined with this is patriarchal hegemony within HEIs, in which masculinity is associated with endeavors that are rigorous and rational, whereas femininity, relegated to "soft" endeavors (nursing and teaching), was less valued as emotional and subjective (Akala & Divala, 2016; Harris, 2021; Prah & Maggott, 2020; Tablensky & Mathews, 2015).

These associations are perhaps more aptly described as attachments so that women, no matter which field they enter, are presumed to approach it with the accused subjectivity and/or emotionality and/or lack of rigor. Thus, when race and gender intersect for women of color, these presumptions operate quickly and with force. Some women report being challenged by students and staff alike in a manner that suggests a presumption of incompetence.

Participant B reported that the difficult students she faced were typically White men from affluent backgrounds. She said of these interactions,

> **I think that they had a lot to do with the fact that I am a woman and I'm also a woman of color.**

When pressed to explain further, she said:

> ...it's about the way you're perceived by your students and how looking in a certain way, talking in a certain way makes you suddenly more credible, more intelligent. And...especially in this space, like [university name], you become aware of it.

Another Black participant explicitly named it an "implied presumption of incompetence" that you have to overcome. Of particular interest was this assessment by participant G, whose comment seems to confirm that the presumptions about competence do fall differently on women of color compared to White women, albeit to the benefit of neither: "when students behave badly toward White women, they are usually disrespectful in the sense of they sexualize them ... but when they behave badly toward Black women, they question their competence."

It is clear that accusations of incompetence do not come solely from students. Two participants reported challenges from colleagues on the basis of their critical scholarship. This is evocative of the work done by others who note that Black female academics encounter skepticism from colleagues about their abilities as scholars (Gonzalez, 2014).

These colleagues "may not regard their writing on issues of race, gender, class and sexuality as intellectually rigorous..." (Gonzalez, 214, p. 52). One participant reported being ridiculed for this perspective: "if you have particular politics, your life will be easier. And so if you are known to have marginal politics...then I have been ridiculed for my scholarship, for caring about social justice...in front of another colleague who told me about it." Participant J's report of being challenged because she included critical scholarship in the reading list and ridiculed when presenting some of her research is another example. She noted:

> Some of the experiences [are] more sensational, more dramatic than others...So whether it's the kind of innuendo-filled email from a colleague that's meant to be equal but then addresses you as if you're a minor...the kind of content with microaggressions but also stuff that by Human Resources Committee might not be read as racist or sexist, but stuff that... a more critical scholar, or one that's even remotely kind of experiencing the world in, you know, the gendered and racialized body would immediately recognize as problematic. ...So whether it's being called names, being undermined in one way or the other, the microaggressions, I think, are as important and as interesting because of how they often get overlooked...just the way that these little microaggressions chip away at you.

This sense of challenge has been reported elsewhere by women in legal academia specifically. Gonzalez (2014, p. 51), speaking of female academics in America, noted the various forms of macro- and microaggressions that Black female academics face:

> Students and colleagues of all races and ethnicities may feel threatened when women of color defy these stereotypes and prove to be serious intellectuals, rigorous and demanding teachers, and assertive rather than deferential in their personal demeanor. When an academic woman's behavior thwarts expectations, she may be punished for her transgression in subtle and not-so-subtle ways, including negative student evaluations, patronizing and insulting comments from colleagues, and blatantly racist and sexist remarks from students, faculty, and staff.

Black female academics, therefore, clearly face significantly more resistance in their primary function as researchers and teachers. They must contend with presumptions of incompetence from students, irrespective of their credentials, and often need to defend their scholarship against a critique—the presumption here, particularly if the scholarship is critical, is that it is not rigorous.

6.9. The protection of seniority: The experience of ageism and sexism

Another intersection of experience that some participants reported having to navigate was raised by Dawuni (2021b): that between gender and seniority, or, as she put it, "ageism and sexism." Three participants specifically raised the issue of how gender relates to seniority. Senior participants were aware that their account of their experiences might have been sanitized, given the privileges that seniority affords them. Participant A simply noted, "I think there's a lot to say about age and gender," suggesting that as a younger academic, she is more inclined to accept work requests simply because "I still want to look good." Participant B even went as far as to note, toward the end of her interview,

> ...you know, inevitably, I think I've forgotten a lot of the difficult things. I think I have kind of forgotten the really difficult stuff...[because]...I do feel I'm at a point in my career where I am swimming... opportunities, and my abilities...I'm in my zone. And so, yeah, no doubt they were difficult things that I had forgotten all about.

Participant C, a professor, when asked about organizational culture, initially reported that she considered that it had changed due to more women in leadership positions. But she hedged her commentary, adding that maybe it is because "I am now a senior older person." This intersectional experience of gender and age is again exacerbated by race. Recall Dawuni (2021, p. 166), writing about young Black female academics in Ghana: "junior female faculty must constantly navigate the boundaries between deciphering when unwanted gestures and comments should be regarded as generational, and when these should be taken as sexist and discriminatory." This was reflected by Participants D and H, both Black. Participant H recounted an experience with a male colleague who, although more senior in age, was her equal in rank; while coteaching a course, she reported,

> **"So in my interactions with him...we're literally at the same level. He's a senior lecturer. I'm a senior lecturer. And I just got this, like, condescending vibe. But then I realized no, I think he thinks I'm his daughter because then he was explaining, "Oh, my daughter's 42." And I'm like, okay, that's why he doesn't see me as an equal because of my age."**

When pressed about whether it was about the intersection between seniority and gender alone, she qualified that "I think that it comes from somewhere, because I think if I was a White male teaching with this guy, he wouldn't have been condescending. I think it would have been given that I have, you know, the capacity..."

Similarly, Participant D recounted an experience with an older but equal-in-rank Black male colleague who kept referring to female colleagues as his "little sisters." When they challenged him about the hierarchical and patriarchal dynamic this attitude reinforced, he became defensive and offended.

Therefore, it appears seniority offers some protection from sexist and demeaning attitudes. Participant G said:

> I came [here] as a senior member of staff.. I moved [here] as an associate professor and then became a professor a year later. So again, that seniority...wraps you in some kind of privilege that probably someone who is starting out may not have. ...I'm sure if I was...a fresh graduate employed, there would be stuff that I would be knocking against...I think I've just passed the point where I can be harassed.

This sensitivity to senior status resonates with other aspects of the profession, such as advocates, where seniority determines the awarding of the prestige status of silk (Chitapi, 2018). Thus, as in other jurisdictions, seniority has an impact on the experiences of women.

6.10. Sexual Harassment

When asked whether women face discrimination and on what basis, Participant C stated very matter-of-factly that "sexual harassment is par for the course." She recounted a story about attempting to advocate for students who had received inappropriate advances from a law firm at a career fair. Her superiors refused to address participating law firms without a formal complaint. She added that female and gay colleagues alike faced sexual harassment. Similarly, Interviewee D was incredibly vulnerable and shared that following an invitation to a function:

> **"a very prominent scholar...sexually harassed me for a long time."**

This experience was traumatic for her and a source of great “discomfort.” She added:

> **it is not uncommon for women in academia to deal with sexual harassment, and that's why I sought out relationships with people who don't want anything of that nature from me.**

7 FACILITATORS OF PROMOTION

7.1. Academic support systems for career advancement

Some researchers have noted strategies that women have adopted to navigate the challenges they face in the legal academy. In the main, support and collegial networks are particularly useful facilitators to help women cope with the challenges of employment in academia and navigate the intricacies toward promotion. The findings in this study are corroborated by other studies that indicate the feeling of isolation faced by new faculty hires and the lack of academic support to navigate the boundaries of academia. That lack of academic connections means a lack of support, collegial bonds, and exchange of ideas that are all necessary for good research (Mokhele, 2013).

Participant F noted:

> **...the general problem of academic institutions, particularly faculties is that they do not regularly hire young people...they're not like a law firm that hires every year, so they have a very good induction process. So academic institutions, given that they tend to hire every 10, even 25 years... don't have very good induction programs.**

Overcoming isolation and feelings of inadequacy demands a range of strategies, including a transformational leadership style, which requires institutional mechanisms that foster collaborative working environments and equitable opportunities for all staff and building strong collegial networks and sponsorship for junior staff.

In support of this view, Moodly and Toni's (2019) study reported on the need for formal programs to encourage and develop women to study further and apply for leadership positions within a university. Although participants reported that there was no longer a glass ceiling in terms of the level of leadership they could rise to, they still found that in critical decision-making, their voices were often ignored or not included, even at the higher echelons of leadership.

7.2. Formal mentoring and support: "I don't have time"

Participants noted the lack of mentoring support as a major challenge in their career progression. Several considered mentoring to be important and incredibly helpful for success in academia, as it creates opportunities for them to learn the hidden codes within an institution and the academy generally. However, one clear insight that emerges from this report is the necessity for a program of mentoring and support to be structured to facilitate promotion and increase leadership prospects. These programs must include guidance on acquiring soft skills, but it is even more imperative that they disseminate practical and direct assistance to female academics on the pathways to leadership. Obers (2014), while examining how female academics experience career success at Rhodes University, found that mentoring is a significant strategy to enhance women's self-esteem and research productivity. It is a stopgap for "outsiders" (that is, new and young academics) who, without the institutional and cultural capital to navigate the academic space, would fall through the cracks.

Consider this perceptive commentary from Participant F:

> I wanted to say something about the whole mentoring thing. ...they're not helping us in the real sense of how to publish, let me coauthor, and I found that I was getting frustrated. For example, I was asked to join this sort of mentorship... sort of like, career development type of thing for Black females, specifically Black females. But that thing was so time-consuming. I don't have time. You know what I'm saying? I'm already struggling just to keep my head above the water. And now I've got to add to this weekend conference here where we sit and, like, it really would feel like all we do is sit and be like, "we're black, and we're female, and we're disadvantaged." And at this point, we'd have all these long sessions crying, "this one did this to me," and "the White person said," and I honestly got tired. I was like, I don't have time. You know, I don't have time. I could be writing an article now.

These programs need to be structured to provide equal access to their benefits for women who would otherwise be unable to build those networks themselves due to the intersecting exclusions of their gender, race, ethnicity, or other identity markers.

Without paying attention to diversity and inclusion, access to such networks will continue to devolve along gendered and racial lines based on shared social and cultural capital. For example, Participant F again was revelatory when she described how it appears that men and White women, due to their generational institutional knowledge, were able to secure meaningful mentorship more quickly and easily than people of color and women of color in particular. An inclusive model of mentorship will play a role in the success of racial minority female legal academics. The CHED Report (2018) confirms that most faculties have a formal induction policy and a mentoring system to assist staff in integrating into the faculty. Regrettably, the report does not seem to assess the efficacy of their programs.

7.3. Flexibility and support for family responsibility

Several interviewees were mothers, and, as discussed, the challenge of balancing motherhood and work presented an obstacle and increased the risk of attrition. However, two specifically revealed that the ability to be flexible in maintaining their careers proved to be helpful and meaningful. Participant H, for example, deliberately chose to get pregnant to give her the opportunity to use her maternity leave to complete the thousands of footnotes for her Ph.D. She said that without this time, she would not have completed her postgraduate studies. She described her supervisor's reaction:

> When I said to her, "I'm pregnant," she just looked at me. She was like, "why would you do that?" No, she didn't actually say it, but you could see from her face that she was horrified. I was like you have no idea why I'm doing this, but you'll see later. And only now can she look back and say, "Okay, fine, you wouldn't have been able to finish. There was just no way."

Participant H persisted, knowing her reasoning. Although her supervisor was not positively supportive, it does not appear she was actively unsupportive either. Nonetheless, this story suggests scope for women to craft strategies and methods suited to the dynamics of their work–life balance to complete their careers. For example, it may be possible for those who are willing to structure maternity to aid their research completion; perhaps it is possible to offer teaching schedules with free time in the morning (when children are at school) to complete research. It is clear that faculty management and senior staff should permit a measure of flexibility to ensure that women remain in academia.

Consider Participant A's experience. Although it is not a general practice, she was able to get a full year off with her first child because her department was accommodating. Particularly helpful was the ability to reapply for a post with half the usual teaching load, a practice that was on trial at her faculty. This measure of flexibility and openness to trial scenarios will only serve to retain academics with demanding family responsibilities.

Contrast these experiences to that of Participant I, who indicated that she received little to no support during her maternity leave:

> During that time, no one is there to assist you to say, "how would you like me to help you while you are still nursing your child or still making sure that your child is growing well and all?" My motherly responsibilities, coupled with my professional responsibilities. I've had to put on hold my professional responsibilities because of being a mother. And I'm not saying I regret that, I am saying could there be more support right for situations like that from management? To say, how do we assist how. Just even checking in with your employees from a management point of view. And to make setups or systems that are conducive for females to succeed. Because male colleagues have it at their disposal to succeed more than females. Especially with females in management, there should be that readiness and that will assist females to succeed as much as they possibly can.

These revelations from interviewees indicated that women in academia face challenges balancing their careers and work. Although strong family networks are important in helping manage their workload, institutional support systems and arrangements will facilitate institutional culture changes that support women with family and childcare obligations.

7.4. Support for early-career academics: Funding for research and conferences

Academics require funding to conduct research and to attend conferences and colloquia, which are crucial to increasing one's research profile and participation in the knowledge production process. Two participants raised this point in our interviews. Participant F reported that a male colleague of the same early career ranking was better positioned to succeed because he received so much support at the outset.

She reported being incredulous at how quickly he was able to organize and attend a conference overseas:

> But then a year later a male colleague was appointed ...in the same sort of rank...and I remember how he got so much support ...because he had this mentor, he had this person who pretty much showed him the ropes. He was not nearly as confused as I was. I remember in his first six months, he went to Europe to present papers with his mentors. And I remember sitting there like watching all of this ...like, what.....how is this happening?

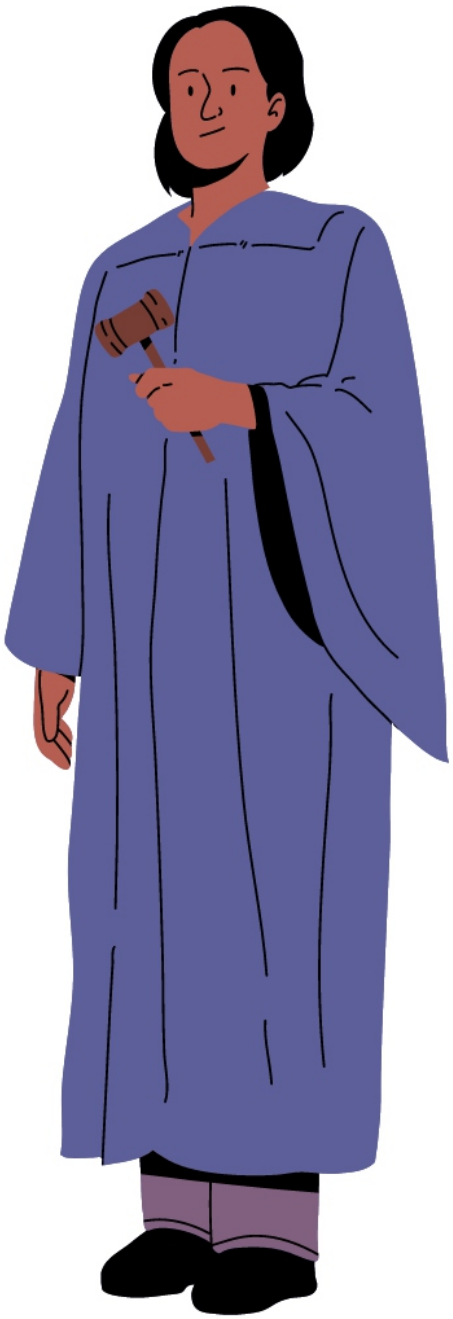
Participant D raised the issue of funding while talking about the workload of an academic: "then other people forget, we have to do is apply for funding. And to apply for funding, you'll have to do an application that can take days to complete." This raises the wider question about financial considerations and support that impact the choice of academics. For example, Participants D and J expressed that financial considerations motivated their decision to enter private practice and for Participant D to remain there for as long as she did. Both participants mentioned money in passing, but it is clear that academics who cannot readily access funding for research and conferences are at a disadvantage as support clearly facilitates success and eases the transition into academia, as was the case for participant F's counterpart.

7.5. Formal guidance and advice in the publication process

As discussed, research and building a strong publication profile are essential to survival and upward mobility within academia. Although teaching is essential, proving one's ability to publish in important journals is critical to promotion in rank and then into leadership roles. One way to facilitate women's ability to publish effectively and consistently will be collaboration and coauthorship to build support to negotiate the world of publication and citations. Such collaboration proved to be the difference in the experience of Participant F, who stated:

> **"...you need somebody to check up on you in your sort of emotional well-being and all of that. But, importantly, you need somebody to guide you on how to do the actual job. You need someone to be like, "Okay, so I'm writing an article, let's coauthor. Let me show how my process in which it's done. Let me help you get your name out there." You need someone who will be like, "I'm going to a conference, come let me show you."**

Bridging the intergenerational gap, breaking the interdepartmental academic silos, and erasing the boundaries of gender, race, and sexuality are all crucial elements and necessary conditions for fostering a culture of support and guidance for women in the legal academy.

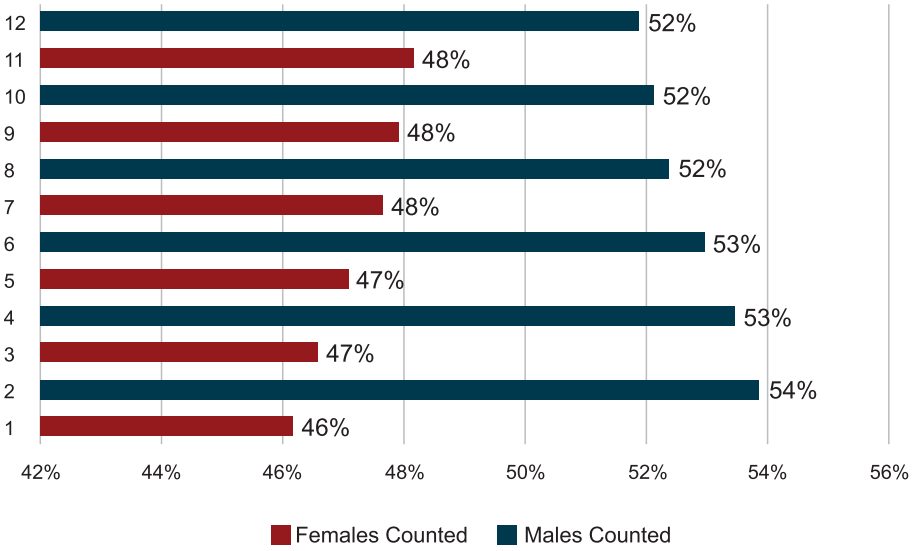


8 TRENDS AND PATTERNS

8.1. "Female strong" and increasing

The contention of much of this report is that the legal academy is male-dominated, at least in culture, if not in actual numbers (Schultz, 2021). Figure 18 demonstrates that although the number of female instructional staff (that is, academics) across all universities in South Africa has slightly trended upward between 2015 to 2020, male staff are still the majority, remaining about 50% for that period.

Figure 18 | Permanent full-time instructional staff for all public universities by gender (2015–2020)



Source: Higher Education Data Analyzer (2022)

However, when the data are disaggregated to focus on the legal academy specifically, the view of numerical male dominance is called into question. The data gathered by this research indicate that the legal academy is majority female. Two participants raised this in interviews.

Participant B stated:

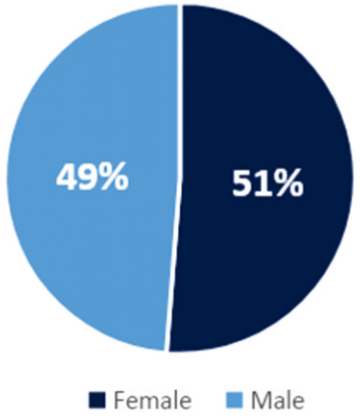
> You know, it's strange, but I have never had a sense in academia that women were held back. I've never had that sense. We're quite a female-strong faculty, generally. Certainly, in the sort of younger ranks of lecturers, we have a lot more women...and even among the professorial group...look...there's still major strides to be made in terms of transformation at the professorial level, but certainly in terms of gender, I think professorial as well as associate professorial level...there are lots of women.

Similarly, Participant E stated:

> **We had a faculty board meeting, and I think probably at a guess, at least half of the staff members at the law faculty are female. Yeah, so the idea that women are not represented is rubbish, and it's the same everywhere in fact, among law graduates, at least 75% are female.**

More crucially, the statistical data gathered by this report entirely support this perspective. Figure 19 shows that women make up 51% of academics and law faculties in South Africa. Although this is not dominating, it is laudable as equal representation.

Figure 19 | Percentage of male/female academic staff at law faculties in South Africa

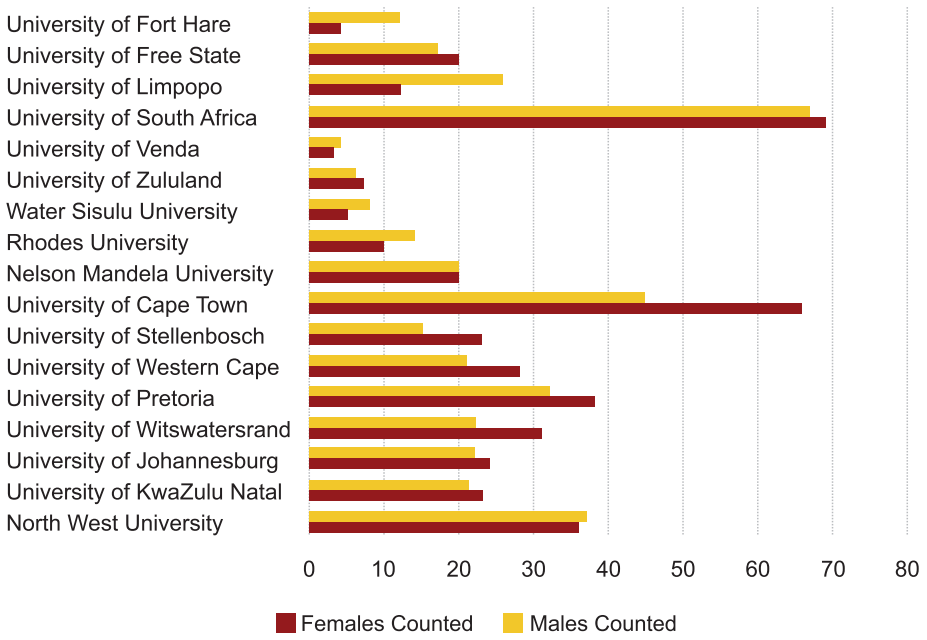


Source: University Websites, May 2022.[2]

[2] These websites are not updated regularly, and the information may not be reflective of all the numbers. Coding for gender using images and bio descriptions is not reliable. See the methodology section for a discussion of challenges with data collection. Admin staff are excluded.

Based on the data collected for this report, 10 of the 17 law faculties in South Africa have more female than male academics (see Figure 20).

Figure 20 | Female/male academic staff per law faculty in South Africa



Source: University websites, May 2022.[3]

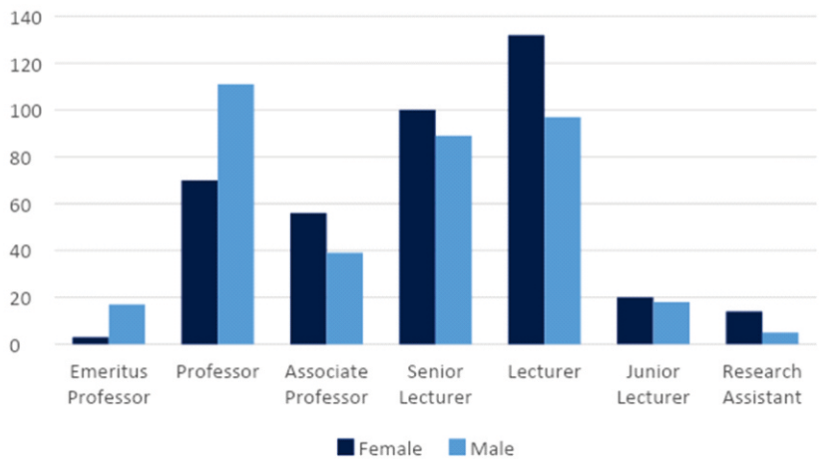
Figure 20 is significant because the growing presence of women in the academy serves as a positive symbolic signifier to younger women, as argued by Dawuni (2021a, p. 162):

> Women's symbolic representation will gradually change masculinized institutional cultures when a combination of factors are at play—when a critical mass of women in the academy is reached, when attempts are taken to address gender issues at the institutional level, and when opportunities increase for women's access to decision making-positions.

Figure 21 shows that the senior level of the academy has more male professors than female. This trend confirms other research indicating an inequitable distribution of academic rank so that "male staff are dominant in senior posts and female staff are dominant in junior posts" (Department of Higher Education and Training, 2019, p. 29).

[3] These websites are not updated regularly, and the information may not be reflective of all the numbers. Coding for gender using images and bio descriptions is not reliable. See the methodology section for discussion of challenges with data collection. Admin staff are excluded.

Figure 21 | Academic staff by gender and designation at law faculties in South Africa



Source: University websites, May 2022.[4]

However, the number of women in leadership positions perhaps counters this. Table 3 indicates the number of women who are deans or heads of departments across all law schools: five female deans and eight female deputy deans or school heads. Departments of commercial law, public law, and private law have 12 female department heads. Historically, nine women have held the highest leadership position of dean. It appears that strong female leadership is, in fact, a growing trend.

Table 3 | Number of women in leadership positions

Leadership Position	Total
Dean	5
Deputy Dean (incl Head of School)	8
Commercial/Mercantile law	6
Public (Constitutional, Procedural)	2
Private (Jurisprudence)	4

Source: Data gathered from university websites in May 2022.[5]

[4] These websites are not necessarily updated regularly and may not be accurate. Coding for gender using images and bio descriptions is not reliable. Admin staff are excluded.

[5] These websites are not necessarily updated regularly and may not be accurate. Coding for gender using images and bio descriptions is not reliable. Admin staff are excluded.

When considering the figures in the academic pipeline, it is conceivable that women will gradually equal and potentially outnumber male academics at this senior level if the attrition and retention factors are lessened or eliminated. For example, there are more female associate professors, senior lecturers, and lecturers. This increased pool of women will increase the number of female professors and emeritus professors and likely impact the institutional environment of faculties across South Africa. This was suggested by Participant C, who pointed out that the culture at the law faculties she had been a part of over the years had changed because of more women in leadership so that some of the "blatant aspects [of patriarchy, old boys networks] have been diluted."

8.2. Bifurcated leadership in higher education: academic versus administrative leadership

Participant discussions revealed that day-to-day tasks (and leadership duties) are bifurcated into two functions at HEIs. One side is an administrative function or role, which entails the university's daily, monthly, and yearly operation and functioning. It is characterized by the office of the dean and heads of departments and committee assignments and includes managing and dealing with student processes outside of teaching, such as admissions, registrations, class and tutorial organization, grading, assessment management, and faculty budgets. The other side is an academic function, delineated by the designations of junior lecturer all the way to a professor. It is the center of knowledge production that gives universities their prestige; teaching, research, and community engagement are critical components (one participant referred to community engagement as "academic citizenship"). The relationship between these two functions is complex and dynamic. For instance, the academic function is partly funded by the administrative function: academics are employed to teach, and teaching requires administrative tasks.

This bifurcated nature reflects the hierarchical neoliberal capitalist structures that stratify methods of production so that output—in this case, research and teaching—is maximized not for its own sake but rather for the sake of funding (donors and grants), attracting paying clients (students), or securing lucrative collaborations with the private sector. Decreases in government spending on HEIs mean they are reconfigured into "strict business output lines and less into the practice of building critical scholarship" (Prah & Maggott, 2020, p. 527). This, it appears, creates a disjuncture of experience for students and academics alike, reflected in some of the participants' responses.

For example, Participant A assessed that administrative work was undesirable—"Deputy deans and deans...as far as I can see no one wants to be any of those things"—because it takes time away from research. She continued, "say you are trying to get promoted, they're going to look at your research. Now you spend a lot of time doing HOD admin, right." Participant G was blunter about this disjuncture and tension, stating, "admin is a necessary evil." Perhaps the aptest accounting of this disjuncture was given by Participant J, who described it and how it can impact experience in two senses. The first is individual and internalized for her as part of a "community of critical scholars," and the second is the "institutional," externalized expectations of how these competencies matter. She details how, for her, the academic endeavor is a process of engagement with the wider social context—a stated aim of HEIs, as noted—and a dynamic and reciprocal process of self-reflection. Her teaching informs her research, which informs her practice, which informs her teaching. This entire process of work is critical in that she uses it to push back against the forms of exclusion and oppression.

Participant J states:

> So for me, career progression, in that sense, requires or makes me want to feel like there's a degree of growth and self-reflection, critical self-reflection, and a willingness to not be confined, to navigate discomfort, and move through it, as well as learning to meet challenges with their required intensity, in the sense of like, essentially picking battles, as opposed to getting caught up in every, you know, kind of whether it's the experience of sexism or, you know, kind of conflict situations.

In the second sense, she describes how these academic functions are institutionally valued for their capital-raising potential and the commercial success and perception of the university. She describes that "in terms of the institutional expectations, I think the emphasis definitely is on research, and I think it's tied to *subsidies*." She notes that teaching is not necessarily institutionally rewarded for career progression and that research is valued to the extent that it is functional and results in a "unit of publication." Last, she asserts that academic citizenship is important not necessarily for its "impact," "social footprint," or "problem-solving" potential but rather for its "visibility and influence of citations." It is "co-opted into a kind of marketing thing." All of this is evocative of the capitalist and neoliberal imperatives of universities, which in turn, have only perpetuated the status quo (Prah & Maggot, 2020).

Prah and Maggot (2020) argue that HEIs were co-opted into neoliberal frameworks by creating and capturing private markets within the education sector. Affordable education became incompatible with "output bases productivity measurements," which favor exclusionary forms of knowledge (the knowledge of the status quo).

Thus, like the administrative functions that are all concerned with maintaining the business of the university, only academic functions that bolster the capitalist neoliberal need to raise funds for the business are valued; only units of production that are marketable and commodified are valued; only research that raises capital or profile is valued.

As Thornton (2021, p. 469) wrote, "the devaluation of knowledge for its own sake is a marked characteristic of neoliberalism," which prioritizes applied knowledge or that with use value in the market. Thus, the perception is that research matters for its contribution to wider society, but in reality, it is valued for its utility in maintaining the prestige and ranking of the university and attracting funding. This may be reflected in the mantra "publish or perish" and the notion that career progression/promotion is impossible without a Ph.D. Participants reported both requirements as major challenges for women in the legal academy.

New questions come to the fore: whether the outworking of these bifurcated roles plays out in a gendered manner and what the experience of female academics is as they navigate the intersections between the academic and the administrative. These questions require further exploration.

8.3. Women in legal academia: Resistance and resilience

Despite the challenges, as recounted by the participants, women have demonstrated significant and inventive agency and resilience to meet those challenges. This is evocative of Dawuni's (2019) matri-legal feminism, which is founded in part on the history of African women as active and engaged participants in combating forms of oppression beyond just the private sphere. Matri-legal feminism is apposite because it acknowledges specific and intersectional forms of engaging with challenges in the profession borne of an agency rooted in historical notions of mutuality that acknowledged women's leadership and contribution. Some participants described such intersectional forms of challenge. They sought to challenge the subtle and overt forms of exclusion, such as through conscious and transformational leadership and mentoring (Zulu, 2021).

Participant E, a professor, said, "I regard that as a core part of my competency is my ability to raise students to the next level." Participant D reported intentionally building a wide network of support with people beyond her institution whom she can call upon for support.

She added:

> **I've been really impressed by the US Academy and how naturally mentoring comes to them. It seems like it's part of their academic culture. So if you are at a conference and you [ask] a question...they will literally take you to the person and introduce you and explain to you how to do it...So I have tried to bring those practices into my way of being with supporting other people. I'm still trying to get out of the starting blocks myself, so I can have a lot of collaborations with people who are a little bit junior to me so that I can build them up and transfer skills.**

Participant F was relentless in asking for and seeking support: "I asked and asked and asked and asked for hours. And only last year did I get assigned a mentor...that person is now helping me figure out the world of publishing."

Participant H was particularly inventive. Rather than view motherhood simply as a challenge, she refocused it as an opportunity. She intentionally sought to get pregnant, knowing that the maternity leave would allow her to complete her Ph.D.

> **I'll tell you a funny story. So I realized probably a year into finishing my Ph.D., I realized, you know, what, if I don't do something, I'm never going to finish. Reason being I'm teaching. I've got kids. And I decided, I'm actually going to have another baby. And then I'll have four months to actually finish the thing. Otherwise, it's never going to finish. And I actually did. And I prayed...he'll be quiet...And I promise you that is exactly what I had. I had this quiet baby who woke up every two hours so I could work. And I got to finish...and I knew if I hadn't done that, there was absolutely no way that I would have finished.**

Although she acknowledged that she was fortunate to have had a child that was relatively calm, her choice was particularly inspiring and brave because she activated the status and reverence for motherhood, prized by matri-legal theory, as a way to take responsibility for her career progression.

9 | RECOMMENDATIONS

This report serves as a small contribution toward addressing the gap in the research on women in legal academia in South Africa. As evidenced by the findings, more research is needed, and consistent quantitative data are needed to measure the changes that are occurring in the academy. Further research that delves into the experience of female leaders in the law faculties—heads of departments and deans—will be particularly useful. It might also be valuable to consider women in legal academia within specific areas of inquiry (e.g., commercial or criminal law). This approach has the potential to identify more specific areas for intervention. Other recommendations are included below.

9.1. Conduct regular and transparent promotion policy reviews

Consider these remarks from Participant I that speak to the importance of clear and explicit policies that set proper expectations for early-career academics.

> You know what I said to one of my colleagues when I think it was about a year into my lecture post? "I wish there was a manual that was readily available; that would be given to you maybe when you're allocated your office. And you'd be told that 'Okay, this is what is expected of you, this is what you should be doing and whatnot, right?'" But I know, some people in management would be like, "But we've given you information, and so on and so forth." But how it is given, maybe that's the problem, I don't know. But generally, it is not readily available. When I was appointed as a junior lecturer, the process of promotions—we were told about it, but the explanation of it and what is expected and it was not clear.

Therefore, faculties should conduct regular and robust promotion policy reviews and track participation in these, so that policy development is transparent, providing an opportunity for all academics to engage.

1. The reviews should ensure that each relevant policy is readily accessible and available.
2. Each policy should outline in detail the competencies to be met, teasing out and describing each performance indicator that constitutes that competency.
3. Each policy should explain how each competency is taken into consideration for promotion.
4. Each policy should set out expectations related to the HR needs of each department.
5. Faculties should also consider moving away from a one-size-fits-all promotion policy so that academics who value, for example, teaching over research have an equally fair pathway to promotion.

9.2. Overcome the research barrier with collaborative practices

Due to the significant impact of research on academic advancement, female faculty members need to develop innovative strategies to meet their research metrics. Although collaborative research and co-authorship may be weighed differently by different departments, co-authorship and seeking funding together are important strategies for academic advancement.

Participant F insightfully encouraged collaborative support:

> **I think a very practical way for us to support one another as Black scholars as female scholars is to be like, "Hey, let's go sit down and let's pair this one and that one to coauthor." Let's pair this one and that one to write it, and present an article, etc. That's very real and practical. And that actually advances us in the real sense. Not sitting and talking about the problem because that gets us nowhere, especially in a world where time is already an issue.**

The options for collaborative support should pertain to the key knowledge production functions of universities so that they result in lasting transformation:

1. Initiate research that analyzes citation practices and authorship trends in various legal fields to assess the citation patterns for women and women of color specifically. This will help determine the baseline of practices that will define the extent, if at all, to which academics in law simply uncritically reproduce hierarchical, exclusionary patterns.
2. When writing and publishing work, legal academics should count citations. They should consider how many women, people of color, and early-career researchers they have included (Mott & Cockayne, 2017, p. 966).
3. More legal academics should consider coauthoring and copublishing with emerging young scholars more frequently. Faculty boards should explicitly require senior academics to collaborate with junior academics in publishing and consider adding this as a factor in performance appraisals and reviews.
4. Editors should pay close attention to the citation practices of those who submit work and consider adding a section on citation in their publication policies. They can also suggest including additional authors.

9.3. Create robust and meaningful induction and mentoring programs

In view of the established need for practical and tangible support, Participant F also insightfully noted:

> ...the general problem of academic institutions, particularly faculties is that they do not regularly hire young people...they're not like a law firm that hires every year, so they have a very good induction process. So academic institutions, given that they tend to hire every 10, even 25 years... don't have very good induction programs.

In this context, the following is recommended:

1. Faculties should create robust and extensive induction programs that expose new appointees to a wide array of skills and knowledge. In an untransformed institutional context, these programs should not assume anything. They should clearly provide details about all policies at the university, particularly those related to promotions. They should detail all the knowledge required for promotional success.

2. Faculty institutions should consider developing formalized and structured mentoring programs that detail the competencies, knowledge, and topics that should be addressed in the program. Participants in this relationship should be encouraged to create a plan of action that outlines key objectives and points of accountability. Mentoring guidelines should include guidance and resources (books, programs, skills) to acquire soft skills, such as confidence, decision-making, and time management, and encourage collaborative practices, such as co-authoring.

9.4. Support for women and staff with family responsibilities

It would certainly be helpful for faculties to continue supporting women who have families in ways that are flexible and tailored to the individual (to the extent that it will not compromise the intellectual integrity of research and teaching standards and the ability of faculty management to monitor these arrangements). It is clear that women in legal academia are determined to persevere and make meaningful contributions through their research and leadership (see the sections on the trends and patterns of leadership). It is incumbent on university management and faculty administration to facilitate this. As noted by Participant I, faculty management needs to create "setups or systems that are conducive for females to succeed...there should be that readiness, and that will assist females to succeed as much as they possibly can." Doing so is beneficial to both men and women.

10 CONCLUSION

The main goal of this research was to identify the underlying causes of inequality in women's representation in the academy, assess the points of attrition in the pipeline and barriers to retention, highlight the facilitators of promotion, and document progress and trends over time. It became apparent that the lack of research on women in legal academia generally represents a marked lacuna in the research on women in law in South Africa and Africa. This absence is notable precisely because women in legal academia exist at the intersection between higher education and law, two sectors of social and economic organization that are important for societal development but have yet to receive rigorous and consistent research.

The findings from this report indicate the need to focus research on women in the legal academia because of the ability of the law to either support discriminatory practices or upend them (Cowan, 2006). Second, the report highlights the role of women in legal academia in shaping society by producing socially responsive graduates through scientific and social research that impacts the social order. Notwithstanding their important roles, the report has shown that the challenges that contribute to attrition, impede retention, and prevent promotion in other sectors (legal and otherwise) are similar for female legal academics due to the common history of patriarchal domination and exclusion in the legal profession broadly and in legal HEIs.

Third, it emerged that participants considered the institutional culture and environment to be dominated by codes and modes of behavior more favorable to men and that men could easily access. Survey respondents reported the operation of the old-boy networks, while interview participants referenced the lingering impact of those networks: men use them to elicit publication citations that increase their profile and to support each other's research by assisting in preparation for conference and panel discussions.

Fourth, as with women in other areas, the prospect of balancing family life, specifically motherhood, with work is more difficult. Women suffer inequitable expectations to perform their family responsibility, while men do not face the same societal pressures to be primary caregivers. In addition, as with other studies, mentoring forms a significant strategy to prevent attrition by offering women networks of support to navigate professional and personal challenges.

Fifth, women reported struggling to acquire the sufficient research competency and profile necessary for promotion. Although this challenge was common for both men and women, some women reported the strain of a heavy workload due to internalized and externalized expectations of undertaking more tasks. Combined with the pressures of motherhood, women felt that they typically had less discretionary time to conduct research.

Sixth, in the academic context, participants reported that the promotion criteria were obscure and elusive to satisfy. This opacity is because women are not native to the high context of codes and modes of understanding that permits men to fully and seamlessly appreciate the promotion process. However, despite these challenges, some glimmers of hope appear. From the data collected for this study, most South African faculties appear to have more women than men. Thus, although the culture may still be patriarchal, the barriers, challenges, and factors of attrition for women may be diminishing.

Several recommendations are offered to ameliorate the challenges that women face; they address mentoring and induction practices. Law faculties should have clear induction programs that explicitly detail the types of knowledge necessary for success. They should further institute robust mentoring programs with practical and specific guideline suggestions to ensure that mentoring relationships really do facilitate promotion. Other recommendations pertain to the knowledge-production aspect of academic life. In sum, faculties should encourage a more collaborative publication process. They should encourage staff to conscientiously cite a diversity of authors and academics for seeking opportunities for coauthoring publications with junior academics.

It is positive that some participants suggested that the dynamics of the legal academia were changing because of more women in the academy. Ultimately, participants demonstrated a robust and inventive agency as they navigated the challenges they faced. This agency is a testament to the heritage of resistance of women in South Africa.

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APPENDICES

Appendix 1: Interview Schedule

Women in Legal Academia

Thank you for your willingness to participate in this research. Your participation is important; we hope that any learnings will only serve to help other females as they come through to study law,

Before you begin please take note of the following:

This project is interested in your experiences of life as a legal Academic and the impact of those experiences on you and your career.

We would like as many women legal academic's to participate to have as many as possible represented, whatever stage of career the women are at

The interview will not take more than 1 hour, but of course if you are willing to spare more time we are more than willing to listen.

Participation is also voluntary. The choice to participate is yours. Should you choose to, you can stop at any time. You are free to decline to answer any question. If you wish, your participation can be anonymous.

All data generated will be kept on a secure password protected computer accessible only to the principal researcher and project supervisors of the Institute for African Women Judges.
If you have concerns about the research, its risks and benefits or about your rights as a research participant please feel free to reach out.

Personal Information

1. What racial classification/category do you place yourself under?
   - **a.** Black
   - **b.** White
   - **c.** Indian
   - **d.** Coloured

2. What is your age?

3. What is your marital status?

4. Do you have children? How many?

5. How many dependents (other than your children) do you have?

Professional Profile Information

6. Legal education: What legal degree have you completed?
   - **a.** B-Proc
   - **b.** BA LLB
   - **c.** BSocSci LLB
   - **d.** BComm LLB
   - **e.** B Bus Sci LLB
   - **f.** LLB Postgraduate
   - **g.** Other (please specify)

7. Where did you obtain you LAW DEGREE qualification?
   - **a.** University of Witwatersrand
   - **b.** UCT
   - **c.** University of Fort Hare
   - **d.** University of Free State
   - **e.** University of Johannesburg
   - **f.** UKZN
   - **g.** University of Limpopo
   - **h.** North West University
   - **i.** University of Pretoria
   - **j.** Nelson Mandela Metropolitan
   - **k.** Rhodes University
   - **l.** UNISA
   - **m.** Stellenbosch University
   - **n.** Venda University
   - **o.** University of Western Cape
   - **p.** Other

8. Do you have any other qualifications? (Diplomas, degrees, anything interesting?)

9. What areas of law form part of your research focus?

10. How long have you worked at the Law Faculty?

11. How did you get this work? Prompt: what is the story?

12. What department?

13. What is your designation?
   - **a.** Teaching/Research Assistant
   - **b.** Researcher
   - **c.** Lecturer
   - **d.** Senior Lecturer
   - **e.** Associate Professor
   - **f.** Professor
   - **g.** Emeritus Professor/Adjunct Professor

14. What is your area of research focus?

Academic Competencies

15. What do you do? What are the core responsibilities and duties of your role?
Prompt: academic responsibilities (including research), administrative responsibilities

16. How much time do you spend (proportionally on this tasks)?

17. How do these competencies impact your career? Your career advancement?

18. How do you think your female colleagues fare in completing these competencies?
Prompt: are there any difference between how your male colleagues undertake these tasks compared to your female colleagues
Prompt: How confident are you in these competencies? How confident are your female colleagues as compared to your male colleagues? Is there a difference

19. Does the Faculty offer any support for these tasks?
Prompt: support for women versus males

Organisation Culture of the Faculty

Prompt: differences between departments

20. How would you describe the organisational culture of the faculty?
Prompt: what rules or practices exist that you think impact your work?

21. Are there rules or practices that you think your female colleagues find challenging for their work generally or careers specifically?
Prompt: describe the challenge, compare it to challenges of male colleagues (are there differences)

22. Are there any other rules or practices that you think your female colleagues find supportive for their work generally or careers specifically?
Prompt: describe the challenge, compare it to challenges of male colleagues (are there differences)

23. How comfortable are you in this work environment?
Prompt: are you confident, do you have to act differently, do you feel a connection
Prompt: are there difference in levels of comfort between males and females, between races

24. What are the perceptions about women legal academics?
a. How do you think the students perceive female tutors, lecturers etc?
b. How do you think administrative staff perceive female tutors, lecturers etc?
c. How do other academic staff perceive their female colleagues?

25. What are the perceptions about women legal heads of academia?

26. Do you fraternize with your colleagues? Male and female?
Prompt: 'hang out'/collegial Prompt: 'old boy's network' Prompt: groups that matter?

Challenges and Discrimination

27. What to date have been the major challenges of your time here?
Prompt: For example: Financial, Emotional, Psychological, Work and Family Life, Work (the type of work, difficulty), Funding, Relationships with colleagues
Prompt: Please explain and describe the challenge

28. Have you faced any of those challenges because of your gender?

29. Have you faced any of those challenges because of your race?

30. Have you ever faced discrimination while working here? On what basis? What happened?

31. Do women academics face discrimination? On what basis?
a. How does this discrimination impact their advancement?

Mentoring (OR just asked have you ever had a mentor)

32. Do you have a mentor? Describe the nature of that relationship?
Prompt: Personal Advice and guidance, Professional advice and guidance, Legal advice and guidance, Recommending work/research projects

33. Has this mentorship been helpful? How?

34. Are you currently mentoring anyone?
Prompt: Personal Advice and guidance, Professional advice and guidance, Legal advice and guidance, Recommending work/research projects

35. Do you think mentoring makes a difference for women in the faculty versus men?

Career Ambitions

36. What are your career ambitions? How have your career ambitions changed over your years in academia?
Prompt: head of department

37. What are the challenges/obstacles to those ambitions? Are any of those challenges particular to women (or you) versus men?
Prompt: For example: Financial, Emotional, Psychological, Work and Family Life, Work (the type of work, difficulty), Funding, Relationships with colleagues
Prompt: Please explain and describe the challenge

38. Have you ever been given guidance or assistance in your goals to advance your career?

39. Are women legal academics given less or more opportunities (for research/teaching) than the men?

Work Life Family Balance

40. How do you manage your work-life-family balance?

41. Does family responsibility impact women's advancement as compared to men? How?

Appendix 2: Advanced Opportunities Questionnaire (AOQ)

	Strongly Disagree	Disagree	Slightly Disagree	Slightly Agree	Agree	Strongly Agree
	1	2	3	4	5	6
Gender stereotypes may prevent women from reaching leadership positions						
The 'old boy network' is a barrier to the progress of women in the workplace						
Women experience a challenge in advancing beyond a certain level in their career (glass-ceiling phenomenon)						
Attaining a position of power is appealing to me						
Women can be successful managers						
The opportunity to grow in my career is of utmost importance to me						
Women in academia are able to advance to the topmost leadership positions						
Women would apply for managerial positions if the opportunity arose						
Cultural beliefs make it difficult for men to accept women leaders						
Women managers are often challenged by male colleagues						
Women volunteer to assist with tasks to be considered for promotion						
Leadership roles are meant for men who do not have family commitments						
Achieving a work-life balance is a big challenge if you have a demanding career						

	Strongly Disagree	Disagree	Slightly Disagree	Slightly Agree	Agree	Strongly Agree
	1	2	3	4	5	6
Gender stereotypes may prevent women from reaching leadership positions						
It is easier for men than it is for women to advance to leadership positions in this organisation						
Women tend to abuse sick leave to attend to family responsibilities						
Even in dual-career couples, women place less emphasis on their careers than men						
Women with children will find it harder to advance in their careers						
Women can advance to senior positions even if they have family commitments						
Taking up leadership roles is encouraged						
Women are given autonomy						
There are sufficient career opportunities for me at my institution						
Women are given guidance on advancing in their careers through personal development plans and the performance management system						
Women are often given leadership positions that are doomed to fail						
Women have given up on trying to advance in their careers because they are denied advancement opportunities continuously						
Women have little hope of becoming managers due to affirmative action						

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