

**SEXISM IN THE LEGAL PROFESSION: TIME'S UP  
PANEL DISCUSSION BY JOYCE ODUAH FICMC,  
GENERAL SECRETARY NIGERIAN BAR  
ASSOCIATION AT THE COMMONWEALTH  
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**1. SALUTATION**

Mr. President Commonwealth Lawyers Association, The Chairman of this session, Joanna, Fellow Panelists, Distinguished Guests, Ladies & Gentlemen.

On behalf of the Nigerian Bar Association, I bring you good wishes and congratulations on organising such a wonderful conference in such a time as this when the world is faced with challenging situations.

Let me say good morning to all my new friends and those I am yet to meet. Ladies and gentlemen, It's a pleasure to stand before you all today in the beautiful Island of Bahamas. Thank you Joanna for that brief yet insightful introduction of the theme.

My name is Joyce Oduah, the General Secretary of the Nigerian Bar Association, a Fellow of the Institute of Chartered Mediators and Arbitrators, Nigeria and the Principal Partner Joyce Oduah and Co, Lagos, Nigeria.

## **2. INTRODUCTION**

I am particularly delighted to speak on the theme of this panel session: Sexism in the Legal Profession: Time's Up. This is a subject matter I am passionate about especially as a woman who has experienced first-hand the negative effect of, not just a sexist profession but also a sexist society. The question then is, what is sexism. This word has been defined and redefined by various scholars, feminists and writers. From my perspective, however, and for the purpose of this presentation, sexism is simply discrimination based on sex and its effects on the development and growth of the legal profession as a whole. I am limiting my scope to discrimination and not to harassment or sexual assault. Sexism is prejudice and discrimination against the female gender based on preconceived stereotypes portraying women as weak and inferior.

Back in Nigeria, I am usually called upon by various corporate and professional groups especially legal groups to speak on sexism and gender discrimination, and I always begin by saying

that the level of gender biases in any corporate organization including the legal profession is dependent on the level of patriarchy within that society. Sexism in the legal profession stems from gender discrimination practices in the larger society. For us to effectively end sexism in our noble profession, we have to tackle it from the root. All of us here come from one society or the other. Joanna, our chairman is from the UK, we have persons from 54 countries present. I am from Nigeria. In Nigeria and indeed most African countries, sexism has eaten deep into the fabrics of the society. Gender bias is profound in the Nigerian legal profession and this is a resultant effect of the sexist cultures and ideologies of the Nigerian cum African society.

### **3. CERTAIN SEXIST CULTURAL PRACTICES**

The rationale for the deep-rooted sexism in the African society is as a result of what I call our ‘Three ancestors’. Our first ancestor is our traditional African cultural identity. Nigeria alone is an amalgam of over 300 ethnic groups. For example, I am an Oron woman from Akwa-Ibom state while my husband is an Igbo man from Anambra State. I live in Lagos which houses majorly the Yorubas. Our second ancestor is Islam which was introduced into North-East Nigeria by Arabian

merchants. The third ancestor is Judeo-Christianity which was introduced first by Portuguese merchants and entrenched by British missionaries during the colonial era. These ancestors emphasise one point in terms of gender relations “The Man is the Head of a Woman”. This ‘legacy’ from our ancestors is ingrained in the consciousness of Africans from early childhood by a process of cultural indoctrination.

When a child is born, the first question after ‘congratulations’ is, ‘is the child a boy or a girl’, When the answer is ‘girl’, the excitement is doused a notch. When the answer is boy, the excitement increases. The parents become ‘mama born boy’ or ‘papa born boy’. This is because we practice a patrilineal kinship system where the man is believed to be the one to carry the family’s name. The female cannot do this as she would be married off to another family upon attainment of marriageable age. As the children grow older, gender roles are automatically assigned with the girls remaindered to what is considered subordinate gender roles. Girls are taught to be motherly and wifely; for example, they are to wash dishes, clean the house, care for the younger ones and cook. The boys are not expected to perform these roles. They are basically taught to be ‘the man’, to be strong, to be leaders. Where a choice has to be made as to

who would get formal education especially in low income families, the boys are the obvious choice while the girls stay at home.

As the lady attains marriageable age, she is 'sold' into marriage. I use the word sold because her family and the suitors negotiate the price to be 'paid for her head'. When she is married off, she becomes the property of the husband and his family. In fact, there are some cultural inheritance practices, still existent till date, where women are inheritable property. Speaking of inheritance, in Nigeria, women are not allowed to inherit their father's property. They also cannot inherit their husband's property except they have male children. This inheritance practice is still obtainable despite the 2014 Supreme court decision in the case of *Ukeje v Ukeje* which found unconstitutional an Igbo customary law of succession excluding female offspring from eligibility to inherit the property of their fathers. The provision referred to by the court is Section 42 of the Constitution of Nigeria which provides that no person shall be subject to any discrimination, disability or deprivation on grounds of sex.

Despite the fact that the grundnorm of the country provides against gender inequality, sexism or should I say

discriminatory practices based on sex are still rife. Men grow to believe that women should be submissive and should never lead them. If this happens, they feel like weaklings and resist female leadership with all they have. As adults, the ladies believe that they do not have much to offer except in the home. They dream and aspire to be somebody's Mrs. Women are perceived as the weaker sex and less capable than men, especially in the realm of logic and rational reasoning. They are relegated to the domestic realm of nurturance and emotions. Even where they may be allowed to participate in the economic, professional, academic and political spheres, it must be limited to subordinate and not leadership roles.

#### **4. HOW HAS THIS SEEPED INTO THE LEGAL PROFESSION IN NIGERIA**

It is therefore not surprising that these sexist discriminatory practices have found their way into our noble profession. Male lawyers dominate the leadership scene in corporate practice, in the judiciary and also in the association's politics. This is not to say that female lawyers in Nigeria have not achieved great strides; for example, we have women like Stella Jane Thomas, first female lawyer and magistrate; Folake Solanke, first Nigerian female lawyer to assume the rank of a Senior

Advocate of Nigeria and wear the silk gown; Aloma Muktar, first female Chief Justice in Nigeria; Priscilla Kuye, first and only female president of the NBA and Hariat Balogun, first female General Secretary of the NBA. However, the number of these female achievers is infinitesimal compared to the number of women in the legal profession. There are about 545 Senior Advocates in Nigeria and only 4.5% are women. The Nigerian Bar Association has in its 88-year history had only 1 female President and before my assumption into office, one General Secretary.

These sexist and discriminatory practices are also common in corporate legal practice. Even though, female lawyers have a higher population than their male counterpart at junior levels, women remain severely underrepresented in the higher levels. Women are perceived not only by partners and clients but also by themselves to lack the legal intellect, right temperament and physical capacity for legal practice especially litigation. For example, men are usually favoured for the best briefs because women are considered too soft to handle complex cases and negotiations. This is mindless of the fact that the best graduating students from the Nigerian Law school are usually the female students. Another reason is the belief that women

are incapable of combining their legal duties with their wifely and motherly responsibilities. The few women who rise up the corporate ladder are seen as undeserving of these positions. It is believed that these positions were obtained based on tokenism or in Nigerian parlance, Dash. What this means is that women are only chosen for these positions to fill up the female quota to avoid the perception of gender bias. Sometimes, these women are perceived as super women who are incapable of maintaining a home. It is saddening that the few women in leadership seem unconcerned about the sexist and discriminatory practices against women.

## **5. THE WAY FORWARD**

We can go on and on about incidences of sexism in the legal profession or even in the society as a whole; not only in Nigeria but in Africa and the rest of the world. However, I believe that the pertinent question is how do we put an end to sexist practices so that we can truly say “Sexism, your time is up”. I believe we, as legal practitioners need to adopt a multi-faceted approach to put an end to these sexist practices that are discriminatory and dehumanizing for women in the profession. Our profession is the third estate of the realm after the executive and the legislature; so, we must always bear in mind that we are



leaders in the society. To eradicate sexism in the society as a whole, we need to begin from the legal profession. We need to lead by example. We need a recalibration of the perspective of the members that reminds us that leadership in the profession is not the exclusive preserve of the male practitioners. All hands need to be on deck; female and male lawyers; national and international bar associations; leadership of law firms need to work together to ensure that we put an end to sexism and sexist practices.

Before I go into the how, let me speak briefly about the why? Some of us, especially the men may ask, ‘Joyce, why should we be interested in eradicating sexist practices when it favours us?’ My answer is simple, female participation is a must if we must achieve long term growth in the profession especially in this season of change in the global society. It is a necessity for growth, development and stability in the three arms of our noble profession – the judiciary, the bar associations and corporate practice. Studies have shown that female participation allows for diversity of thoughts which would lead to better and more effective decision making in corporate practice, in the court rooms and in the bar associations especially as it relates to the welfare of our members.

Let us get back to the how. First, we need to encourage women to believe in themselves. We need put ourselves out there not only for appointive but also for elective leadership positions and opportunities. Nobody can believe in us, if we do not, first, believe in ourselves. This takes me back to when I ran for the office of General Secretary of the Nigerian Bar Association, the largest Bar in Africa. Many of those I confided in about my intention to run to run for the office, men and women alike, tried to dissuade me saying that the office was not a 'female position'. According to them, it was a strenuous office and a woman lacked the physical and emotional capability to handle it. Their rationale was that heading the Secretariat of an Association with about 179,015 lawyers was no mean task. It requires a lot of travelling and it would be difficult to combine that with private practice and my family. In other words, it is a man's job. I was not deterred. Personally, I believe that determination combined with commitment and diligence is what is required to perform well in any position. Sex; that is maleness or femaleness cannot be the determinant of whether or not a person will succeed in a particular role.

Also, I was opposed by three strong male contenders vying for the same office. With support from God, my family, male

champions and female lawyers, I won the election with more than half of the total votes. For me, it wasn't merely about 'winning' my three male colleagues who also presented themselves for service to the NBA, it was about being in a position to effect real and positive change in the Nigerian Bar Association. My gender has not stopped me from fulfilling and exceeding my roles in this office, in my legal practice and in my family. Like I always tell women, sexism can only limit us when we allow it to. We must go for what we want. Usually, it is tougher for us women; however, with proper planning, persistence, hard-work and faith we can break glass ceilings.

Second, the bar associations, as the representative of the members need to take the lead in galvanizing this change. We are leaders both in the national and international scenes and we need to lead by example. It is important that we are at the forefront of advocacy for diversity and inclusion in leadership. The National and International Bar Associations need to provide more opportunities for female participation in leadership. Specific leadership quotas should be allocated to women to ensure equal representation for the benefit of the profession as a whole. I am not suggesting, like is practiced in most organizations, that women be given positions merely to

avoid the perception of bias and so fulfil all righteousness. Diversity and Inclusion is the willingness for all to see that there are women who are capable of holding sensitive corporate and political leadership positions by merit; to identify these women and ensure they reach the apex of their careers. Women need to continue to work hard to dominate the top on the platform of merit.

Third, we must not stop sensitizing lawyers and the larger society about the need to eliminate sexist practices by organizing conferences, seminars, panel sessions like this one by the CWLA. We must also welcome and invite men to be a part of these discussions so that we can; one, show them the benefits of having a non-sexist profession; two, teach them how they can be of help; three, show them that we value their opinions and support in creating a sexist free profession. I know of men who go out of their way to push women to succeed. Kudos to the male champions.

Fourth, women in leadership need to take advantage of these platforms as well as personal platforms to mentor the younger generation of female lawyers. Women in leadership need to create opportunities for other women to grow. A point I always emphasize in my speaking engagements and mentoring

platforms is; “women, we need to support each other to succeed. We are most of what we have got”. We need to re-hash this over and over again until it becomes the norm.

## **6. CONCLUSION**

Times are changing. Norms are changing especially on the International scene. Women are more aware of their rights and their place in society and the legal profession in particular. However, this is not fully translated in the African or Nigeria society. We need to continually emphasize that non-discrimination against women and inclusion of women in leadership is beneficial to us all in the long run. It provides for a diverse environment where good decisions can be made and choices can be questioned, for doubts to be acceptable. Diversity is penitent in the legal profession for better output and results. It is encouraging that women are more awake to their right to freedom against discrimination. We are beginning to see that we are capable of doing more than we can ever imagine; of breaking glass ceilings.

The battle has been long and hard; we have won some and we have many more to win. The fight for a sexist free legal

profession is a long-standing quest and it will be a while before we can truly say Time's up. However, this does not make me cheerless or depressed, because I know that women will continue to achieve great strides one day at a time – in our noble profession and then in the larger society.

Thank you for listening!