



Address by Public Protector Adv. Thuli Madonsela at the South African Chapter- International Association of Women Judges Fund Raising Gala Dinner held at Rivonia Recreation Club, Gauteng on 24 November 2012

**Programme Director;
President of the SAC-IAWJ Chapter, Judge Connie Mocumie
The Executive Committee of the SAC-IAWJ,
Judges with special mention of Justices Yvonne Mokgoro and Selby Baqwa
Adv Joyce Maluleke, SAC-IAWJ Patron
Peers
Members of the media
Ladies and Gentlemen**

I am sincerely honoured to address you tonight. I wish to express my sincere gratitude to the SAC-IAWJ for the opportunity. It is a delightful re-acquaintance with a child whose birth I had the privilege of witnessing and playing a small part in the conception and midwifery processes.

The first thing that came to mind when I discovered your preference regarding my address tonight was Oh dear, what qualifies me to speak on living a balanced life. That's how I interpreted the topic "Interpersonal Wellness and Family: Challenges for Professional Women". I knew then as I do now that while I strive to live a balanced life my reality is far from my vision.

It was too late to decline. I accordingly had to find a way to make it work. As I reflected on what could I possibly say, my mind wondered to the following quote from Marriane Williamson:

"Our deepest fear is not that we are inadequate. Our deepest fear is that we are powerful beyond measure. It is our light, not our darkness that most frightens us. We ask ourselves, who am I to be brilliant, gorgeous, talented, and fabulous? Actually, who are you not to be? You are a child of God. Your playing small does not serve the world. There is nothing enlightened about shrinking so that other people won't feel insecure around you. We are all meant to shine, as children do. We were born to make manifest the glory of God that is within us. It's not just in some of us; it's in everyone. And as we let our own light shine, we unconsciously give other people permission to do the same. As we are liberated from our own fear, our presence automatically liberates others."

I also recalled a simple principle that runs through many of the spiritual books that have enriched my journey through life. We teach best that which we ourselves need to learn. With

this in mind I have drawn on my experiences and decided to engage you on the following nine insights:

1. Does being a Woman Make a Difference?

Does being a woman matter really? My experience has taught me that it does. It's not being a woman that matters though its gender dynamics in society, organisations and families that make being a woman matter. There are specific expectations from you because you are a woman. Some of the expectations work as assets others act as liabilities in your execution of your role as a professional. It gets even more complicated when you are placed in a position of authority or leadership in organisations. For example as professional women we tend to start with a trust deficit. I recall a woman pilot who told us about a story on how on her virgin flight passengers applauded on landing, thanking God they made it. She knew they had held their breath from the moment they heard that their faith lay in a woman's hand. The good thing is that if you get it right the applause is much higher as you have exceeded expectations.

Discipline is a major challenge in the context of gender dynamics. Women tend to be expected to be easy going presumably because that is how mothers are. The reality is that mothers are fair and firm. If you are firm you are the iron lady. You might be even less firm than your male colleagues or predecessors but judged by gender expectations you tend to be found to be too firm.

2. Are there Specific Challenges Faced by Professional Women?

Professional work regardless of nature places women in positions of authority. This is one area where the reality of starting with a trust deficit prevails. I'm certain that those of you that spent many years in legal practice have some interesting anecdotal stories involving client concerns about placing their fate in the hands of a woman. Age would also have been a compounding factor.

Then there is also a question of being mistaken for the admin assistant. One of my fondest memories as a young professional involves a conference where one magistrate kept sending me for this and that at the start of a Colloquium for Judicial Officers to be trained as trainers on the Equality Act. All of this happened before the conference started. He had never bothered to ask me for my name. When he eventually discovered who I was, the project manager for the entire programme, he wouldn't stop apologising. Today when I travel with my office's Chief Executive Officer outside the country, it is not uncommon for functionaries who don't know what a Public Protector is to immediately assume the CEO is my boss. The latest happened when we travelled to Kenya a few weeks ago. He got the M car and I got the G car when we were collected at the airport.

3. When is it appropriate to use soft power and when to unleash hard power?

Women in position of authority face challenges regarding when to use hard power and when to use soft power. In my position as Public Protector, I have the power to subpoena, issue contempt orders and to search and seize. Generally, an Ombudsman's success depends a lot on using hard power as a last resort. Our work depends on persuasion as we do not have the same implementation tools as judicial officers.

But when you must use hard power you ought to even if it incurs resentment. If you do not do so

you sit with a situation where you have power to help people but you don't because you are afraid of stepping on toes. It becomes worse if the toes you step on belong to friends or people you are familiar with. Some of these expect you to look the other way.

I have learnt that when you are a woman you have to pay attention to gender dynamics. You must take the world as it is and not as it should be. That does not mean you should compromise integrity. A lot can be achieved through soft power. I recently had a Director-General write to inform me that he had previously indicated to my office that we need to check his diary with his PA before issuing subpoena. This effectively meant he wanted to be subpoena'd by appointment. My team was livid and wanted me to issue a contempt order. I did not because I happened to know the fellow and that the arrogance in the letter, which was not signed by him was alien to his character. I called him about the matter and without wasting time he was over at my office and we constructively solved the complaint at hand without drama.

This brings me to the question of dealing with friends or acquaintances.

4. Can we distinguish between being loyal and being a proxy?

Often friends, particularly those that helped us on the way up expect different treatment. How do you handle that? How do you remain loyal to friends without compromising your authenticity and integrity?

All I know is that anyone who knows that you are capable of bending rules or cutting deals will never respect you. When you are dealing with other cases they will keep wondering whether your judgement was not compromised by a deal.

5. Family or Work First: Need we choose either?

Balancing work and family demands is a challenge for all in the working world particularly professionals and persons in leadership positions. The challenges for women are exacerbated by gender dynamics in the family and society. Most women still find themselves shouldering the bulk of family, including parental chores. It is worse when children are still young and needing help with home work.

Love and Discipline

One of the challenges I have ever faced regarding balancing family responsibilities with my duties as a senior public officer was when my son crashed the government car that has been loaned to me. I am on the same scheme as judges in the light of the fact that I am appointed at the same level as a Judge of the Supreme Court of Appeal. I am entitled to use my car for both business and personal purposes. However, the car can only be driven by an authorised driver with me in the car. This means that my partner and a child with a driver's licence may drive the car for my private purposes if I'm in the car. In the case in point I was asleep when the car was driven allegedly to pour petrol with the trip altered to include dropping off a friend. I recall getting advice to take away the car to avoid a public spectacle and deciding that was not the course I would ever take. The matter was reported to the police and the office immediately and they were on sight in no time.

The rest is history. When interviewed in People of the South my son said he was totally surprised by my reaction. He expected hell. For weeks he confined himself in his room hardly

eating and clearly feeling he had no right to talk or to be in the house. My duty to him then was that of a parent. His welfare was paramount to me despite and in fact particularly because of the enormity of his transgression.

Being there for your Family

The welfare of my family is paramount to me. That includes my extended family, particularly my siblings and their children. I would like to be at every birthday party for extended family members but it is not always possible.

But when it comes to the nuclear part of my family I do push myself as hard as possible. Over the years though I have learnt that some of the things I did were not enough. My recent dialogue with my children has alerted me to the fact that they were hurt by the fact that I did not attend most of their sporting and related social events at school. My attempts to remind them that I came for all the school plays, debate and prize giving days don't seem to make up for what they believe they lost. I would advise parents with an opportunity to do things differently to do so. Of course it helps if you have a life partner who lives in the same city as you may take turns.

Letting the family be there for you

Letting the family be there for you is a tricky pursuit. is a tricky one . You do not want to burden your family too much with your challenges particularly the young ones. There is also the question of confidentiality if you occupy a position such as mine and those of judges and professionals such as lawyers, psychologists and psychiatrists. Finally there is a question of speaking in your own voice when you make decisions. Partners need to understand and respect that.

6. Is it true that Women Cannot Work Together?

One of the myths that men and a few women believe in is that women cannot work together. I vehemently disagree with that. I have worked effectively with women for many years. In fact I am where I am primarily because of women. From the appointment as one of the 11 Technical Experts that worked with the National Assembly in Drafting our Constitution, to the Law Commission and finally my current position as Public Protector, it is women that have lifted me. I have had excellent working relations with women. Even in my current office where the nation is witnessing the drama that dates back to around June this year while I've been in that office since October 2009.

What is true is that people tend to experience authority from women differently from men. Society is familiar with men's authority and not with women. The Auditor-General and Public Protector are in a unique position where we are a single person commission, with everyone else being staff.

Women are my greatest supporters. Just the other day I was given a book by a remarkable woman, Jane Raphaely. Books like that help us understand we are not alone and that tough situations not only do not last but they are the furnace that turns us into gold. I recommend the Book Jane Raphaely Unedited to all women.

7. Where is our place in nation building?

As our nation seeks to consolidate democracy women need to have their voices heard. It's particularly important that women don't find themselves acting as proxies doing the dirty work of others to bring women in authority down. This does not mean women in authority should not be answerable for their actions. No one is and should be above the law.

An area that women need to engage meaningfully in is that relating to ethical governance, including ending corruption in state affairs and the private sector.

8. What does it take to find Balance?

I don't have the answers regarding how to find balance. What works for me is spiritual anchoring of my actions. I believe I'm in this position as part of my purpose in life and by the grace of my creator. I would not fight to keep what my creator has deemed I no longer need. Forgiveness of self and others is important. In this regard I recommend Gerald Jampolky's Life is Letting Go of Fear.

When it comes to family, it's important that we find space. We are members of our families for life and employed in organisations for a specified time.

Keeping healthy, particularly mental well-being offers a partial answer. According to Scott Peck in the Road Well Travelled, we all suffer from mental health. It is only a matter of degree. If we are aware of our challenges we are in a better position to manage them.

9. If you are not growing you are dying?

I have shared with you what I myself need to learn. It is said if you are not growing you are dying. Living effectively is not a destination but a journey. I believe even Madiba is still learning how to live life effectively despite his age and remarkable achievements. Forgiveness of self and others is the ultimate answer. We need to know we are not perfect and that neither are others. Each of us is doing the best they can.

Let us go through each of these nine insights but as indicated when I started, I do not profess expertise but simply seek to share lessons from my experiences as a professional woman.

Adv TN Madonsela

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