

BHM 2021 Presentations

Early ethnic minority barristers & the Inns of Court (6 Oct)

Miriam Mbah, Caroline Derry:

MIRIAM MBAH: Hello, everyone. Good afternoon and welcome to our session on Early Ethnic Minority Barristers and the Inns of Court. So, in today's discussion, we will talk a bit briefly about the project that Caroline, myself, and other colleagues have been doing for some time, and then we'll talk about some of the lives that we've been researching as part of this project. Then we'll talk about some of the significance of the project to you historians and our students. And then we will conclude. OK, so over to you, Caroline.

CAROLINE DERRY: Thank you, Miriam. So, barristers, for the benefit of those in our audience who are not lawyers or not familiar with the legal system of England and Wales, barristers are courtroom advocates and specialist advisors, that's their role. Other lawyers are known as solicitors, there are several other branches, but historically it's been those two. And that role and division of legal roles has been imported to many countries in the former British empire as well.

And until very recently barristers in England and Wales had to qualify through exams taken in London and also through formal admission to an inn of court and then being called to the bar at their inn of court. There were all four inns of court all based in London around the Fleet Street area.

Now ethnic minority barristers have been qualifying in England and Wales since fairly early in the 19th century, at least. And here we come on to right away the problem of terminology. Those barristers were very much a minority in London's inns of court. Had mostly traveled historically from countries where they were the ethnic majority. And this idea of having barristers from throughout the empire qualify in London was very much part of Britain's imperial project.

So, from the early 19th century, the idea was to have British educated lawyers from colonized nations who would be a class of described as interpreters between the governors and the governed. In many countries, for example, the Indian context, this was part of a general shift

in education to a Western curriculum delivered in English and overtly based on notions of British supremacy.

And the importance of this imperial element to the bar is evident, for example in there being an option in Hindu and Islamic law in the bar examinations from the 19th century through much of the early 20th century. However, of course it is, we're going to discuss further today it didn't go as planned. As we'll explore in this session, many British qualified barristers were also amongst the most prominent anti-imperialist activists. So rather than strengthening empire then, many of them were central to ending it.

However, in the meanwhile, the consequence was that a number of people had to travel incredible distances at incredible cost in order to qualify in a country, perhaps on the other side of the world so that they could practice in their own country as a senior lawyer. Their stories are incredibly varied and really important. So active steps are being taken to record and share them as a central part of the history of the legal profession. And Miriam and I are both involved in the inns of court project to research barristers histories.

So, the project brings together academics as well as practitioners and the librarians and archivists off the four inns of court, to which barristers in England and Wales belong. The archivists have done a great deal of work right at the outset, producing a list which works as a starting point. It's not always obvious from the records whether a barrister is from an ethnic minority or not, and that's even more true in more recent years of course as many live and remain in England and Wales. But they have put together a really substantial list, participants have chosen names from that list to research or have added their own names, and the initial result is going to be an online exhibition which will open later this year.

Following on from that, other results are going to be an academic conference, hopefully more events and publications for various different audiences to follow. The Open University Law school has several participants in the project, Miriam and myself obviously. Others include Liz Hardie who I see is in the audience today. And the most important outcome of course of the project is that it will capture these varied, nuanced, and really important histories, and not only preserve them but also share them. So, to give you a flavor of it, Miriam and I are going to discuss some of the lives we've researched, so I'll hand over to Miriam now.

MIRIAM MBAH: Thank you very much, Caroline. So, one of the names that I chose from the list is Obafemi Awolowo. Born on the 6th of March 1909, named Jeremiah Obafemi Awolowo. Now please forgive my Yoruba, I'm not fluent in Yoruba. But Obafemi Awolowo was born in Ikenne, which is the Western part of Nigeria. Obafemi had many careers when he started his journey. For example, he was a journalist, a teacher, a clerk, a moneylender, taxi driver and a

produce broker. But that was just the beginning of his wonderful career as we would see in the next slide.

In addition to these careers, Obafemi Awolowo was a lawyer, a politician, and he authored quite a few books, some you see here in front of your screen. So, feel free to pick any of them from Amazon or any book provider and read. So, let's look a little bit more into the life of Obafemi Awolowo.

Obafemi Awolowo's political and legal career can be traced back to 1930 although some researchers do argue that his political career started prior to 1930. However, I start here because of the data that we have out there on this particular legal scholar. So, in 1930s, Obafemi Awolowo was very active in many trade unions and in many movements. For example, he joined the Nigerian Motor Transport Unit, the Nigerian Produce Traders Association, and the Nigerian Youth Movement where he had the position of a secretary.

Earlier on, he was very active politically. But in addition to his political aspirations, Obafemi Awolowo also had legal aspirations, and that is to become a lawyer. So, to this end, in 1934 he moved to the UK to study law at the University of London. While studying, Obafemi authored his first book, *The Path to Nigerian Freedom*. In this book, he advocated for a free and independent Nigeria, governed by the federalism system.

He also founded a society called the Egbe Omo Oduduwa society. Now, this society promoted the Yoruba culture within the university campus. So, Obafemi started law in 1944 and in 1946 he was called to the bar by the inner temple. In 1947 he returned back to Nigeria to practice law and to establish a similar society in Nigeria. So, the Oduduwa society he wanted also to have the branch in Nigeria. While practicing, Obafemi Awolowo decided to restart his political dream and he did so by establishing the action group party. So, he founded the action group party in 1950 and it wasn't until 1952 that he became the president of this political party.

The political party mainly governed the Western part of Nigeria, which is mainly resided by the Yoruba tribe and still is until today, although there are lots of mixtures of different tribes living across Nigeria. The political party had several policies, mainly welfare policies such as providing free health care to its people and also free universal primary education to the young citizens.

It was also during his time as the president of the Action group party that the first television station in Africa was established. Obafemi's political ambition grew in 1957 when he was made the first Premier of Western Nigeria. So, what was then the Yoruba part of Nigeria. And he was also given a chieftaincy in 1954. Obafemi political career also increased in 1959 when

he resigned as the president of the Asian group party to have a seat at the House of Representatives, which is similar to the House of Commons in the UK.

But while being a member, a Senator in the House of Representatives, he held a high position. He was a leader, the leader of the opposition party. So, I suppose the now equivalent version of Mr. Starmer, Keir Starmer, the leader of the Labor Party of Nigeria. So, he had quite a prominent role within the House of Representatives.

Despite this prominent role, he still had influence in the party that he established in 1950. And he disagreed quite a lot with his successors vision and direction of the party. And as a result, there were conflict between himself and his successor, which resulted in a lot of violence whereby the federal government had to intervene in order to manage the situation.

But this also resulted in Obafemi Awolowo's political career been halted for a short time, as he was unable, he was banned essentially from participating in any political election. It was also during this time that he was charged for conspiracy, for conspiring with the Ghanaian authorities to try and overthrow the federal government, the Nigerian federal government. He was tried and sentenced in 1963 to 10 years in prison.

While he was in prison, Obafemi wrote another book his second book, which is Thoughts on the Nigerian Constitution. So, in this book he advocated for again a Federalist system governed by 18 different states. Obafemi didn't serve all the 10 years sentence, because during the period between 1965 to about 1985, there was some war, in Nigeria Civil War. And as a result, the Nigerian Constitution was halted for some time, which meant then that he was freed and released from prison.

He also meant that he was able to take a position as the commissioner of finance and the vice chair for the Federal Executive Council, which is quite a high position within the then military administration. Shortly afterwards, he resigned from this position to take up a leadership position at another party, the Unity Party. And this Unity Party then together with him as the president of the party, the leader of the party, ran for the presidential election, the Nigerian presidential election both in 1979 and in 1983.

Unfortunately, the Unity Party lost to Shehu Shagari who won both times, meaning then that Obafemi Awolowo could not attain his aspiration of becoming the president of Nigeria. Sadly, he retired from politics during this time and returned back to his home in Ikenne and then passed away on the 9th of May 1987. Awolowo's achievement continues to be prominent both in and out of Nigeria. For example, he features in Nigeria's 100 naira note. So, whenever we pick up 100 naira note we see his shiny face as you can see on the screen there.

He also continues to be popular because a university was named after him, a university in Ife, Lagos, which is called the Obafemi Awolowo University. I couldn't possibly get that wrong though, could I? And his books too are still well read, and he's well known to this day.

So, the second person that I researched is Taslim Olawale Elias. Taslim was born on the 11th of November 1914 in Lagos, Nigeria. Taslim's career is quite prestigious because he was an academic, an attorney-general and chief justice of Nigeria, a judge and President of the International Court of Justice, and he was also an author. But let's look a little bit more into his timeline and how he went on to achieve these various prestigious roles.

Starting in 1934, Elias worked as an assistant in the government audit department. But shortly afterwards, specifically a year afterwards, he joined the Nigeria railway, the chief accountants and office department of the Nigerian railway. But during this time, he still, he too had a wide ambition to study law at the UK and become a lawyer. And he went on to do this by studying at the University College of London in 1944.

Elias finished his degree, and in 1947 he was called to the bar by the inner temple. In addition to being called to the bar, he was also awarded a Yarborough-Anderson Scholarship, and he went on to study and complete his LLM degree as well. But that wasn't the end of his academic studies because Taslim Olawale Elias went on in 1949 to do a PhD in law at the University of London. At the end of his PhD which was in 1951, he was awarded a United Nations economic, Social, and Cultural Organization Fellowship to undertake more research into his area of specialties. So the area that he did his thesis in.

And also, during this time, he had his first official academic appointment at Manchester University as a senior lecturer in land law. Also, during this time, he published his first book, which I referred to at the previous slide. I think the first book was on Nigerian land law and custom. So that was the start of his academic career but certainly was not the end of it. Because in 1957, he was made the governor of the School of Oriental and African Studies at the University of London. And he also had other prominent roles and was involved in many ways, both to promote Nigeria and generally different things going on in Africa.

But in 1960, which was when Nigeria gained its independence, specifically on the 1st of October 1960, which we celebrated not long ago, shortly after that, Elias was appointed as the first attorney general of Nigeria. Sadly, the civil war occurred, and as a result, he didn't hold his position for too long. But that meant that he saw other opportunities and one of that being the opportunity at the faculty of law Lagos. As he was then appointed the professor and dean, which happened in 1966.

Again, that was just a start in his career. Because in 1967, he became the Nigeria's commissioner for justice. And in 1972, was appointed the Chief Justice of the Supreme Court of Nigeria. To mark his already prestigious and wonderful career, he then went on in 1976 to become a judge at the International Court of Justice. And between 1982 to 1985, he was the president of the court. He remained in this position until his death on the 14th of August 1991 at the age of 96.

Similar to Obafemi Awolowo, Taslim Olawale Elias continues to be recognized both in and out of Nigeria. For example, a classroom at the University of Maastricht has been named after this prestigious ICJ judge. And I will now pass over to Caroline.

CAROLINE DERRY: Thank you. So, I'm going to talk about two barristers who were also married to each other, Vera and Orton Chirwa. And so, for clarity rather than lack of respect, I'll refer to them by their first names because obviously they share a surname. So, I was researching several other different barristers when I came across Vera and Chirwa, by chance I was looking for something else in the online archives of Pathé News. Pathé News produced news films shown in Britain's cinemas from the 1920s to the 1960s. And the newsreel I came across, you can see a screenshot of on the slide now.

From 1968 it describes various life as follows. She was the first woman barrister in both Tanzania and Malawi. She was also the mother of five children, who had worked as a clerk to support her husband during his own bar studies. And then after he returned, she in turn came to London to study law and be called to the bar before returning to practice in Tanzania. So, it was pretty incredible attention-grabbing story, this absolutely pioneering woman who achieved all of this as well as having a family of five children. And of course, Pathé News just skipped over the fact that she had to travel all the way to London and spent several years away from her family in order to qualify, to practice as a barrister in her own country.

So that grabbed my attention right away but pretty much as soon as I started researching further, it immediately became obvious that this was only a very small part of the story. Already by 1968, Vera and her husband Orton Chirwa were leading independence activists in Malawi, previously known as Nyasaland, which had been a British protectorate, and were incredibly prominent politically.

So, to go through their lives a little more fully, not terribly much seems to be known of Orton's early life. But he was born in 1919 and he studied philosophy at Fort Hare University in South Africa before returning to Malawi, then still Nyasaland. Where he worked as an instructor at Domasi Teacher Training College. He was by that time divorced, but at Domasi Teacher Training College, friends introduced him to a young woman who was about to start study there, and she became his second wife, and that was Vera.

So, Vera had been born in 1932, she was the daughter of a doctor. Her family were all active opponents of colonial oppression, they were also committed to educating their daughter, so Vera completed her schooling despite for most of it being the only girl in her schools. At the age of 19, she married Orton, and both fought for independence as members of the Nyasaland African Congress.

As Pathé News said, Vera did work as a clerk in order to financially support Orton and their three small children while he went to study law in London. And as well as political activities, she was engaging in day-to-day political activity, simply arguing for her position and salary as a woman and as an African woman working mostly among male colleagues and for white bosses. So, an incredibly difficult few years for her as well as being separated from her husband.

When Orton returned in 1958, he set up Malawi's first non-European law practice, and the couple also had two more children. They continued as leading figures in the independence movement, Orton was one of the founders and the first president of the Malawi Congress Party, and Vera as well as being active in that founded the League of Malawi Women. In 1961, Malawi gained self-governance and in 1963, finally independence. And Orton became the minister of justice and Attorney General.

Meanwhile, Vera had taken part one of the bar exams by post. She was then admitted to Lincoln's Inn in December 1962 and studied for her bar finals in London. In 1964, she visited Malawi for its independence celebrations, but soon afterwards came the Malawi cabinet crisis when most of President Hastings Banda's cabinet, including Orton were either dismissed or resigned. And at that point Orton went into exile in Tanzania, Vera also had to leave the country, but she returned to London to take her LLB, which she passed along with her bar finals in 1966, and then her LLM in 1967.

After that, she joined her husband in Tanzania where both worked as lawyers. However, in 1981, Vera and Orton were kidnapped and returned to Malawi along with one of their sons. And in a highly irregular trial, the couple were convicted of treason and sentenced to death. Following international pressure, their death sentences were commuted to life imprisonment, and they spent the following number of years in prison in incredibly harsh conditions.

And Orton died in prison age 73 in 1992. Just a month before his death, Vera had been allowed to visit him for the first time in eight years, and that was during the visit of the delegation of lawyers from Amnesty International and elsewhere. A few months after Orton's death, Vera was finally released, she'd served 12 years in prison.

Since then, though, she continued her work and remain prominent. She was a leading campaigner, has been, still is, a leading campaigner for human rights in Africa. She was a special rapporteur on prison conditions for the African Commission on Human rights and Peoples Rights. And in 2007, she published her autobiography, Fearless Fighter. She's now of course coming very close to 90 years old. So, I'll hand back to Miriam.

MIRIAM MBAH: Thank you, Caroline. So then, what is the significance of this discussion, to yourself, to historians, to practitioners, and to the wider audience? Caroline will take the first two, and I will take the last two.

CAROLINE DERRY: Thanks. So, starting with historians, it tops the histories of the legal profession. It's really important that these histories are included within it. They give a much more complete and nuanced account of the past of the profession of many of its practitioners, as well as of the lives of the individuals we're looking at, many have had attention paid to certain aspects of their life, but perhaps less or very little to their experiences specifically as barristers. So, these are really significant for a number of histories.

Related to that is the importance for practitioners. In order to understand the profession and our places within it, it's important that we have an accurate history of that profession. It particularly challenges ideas about the place of ethnic minority people in it, particularly their very long and long-standing presence. It also perhaps challenges the idea that we have straightforward progress that suddenly the diversity of the profession has necessarily vastly improved, there was always some diversity there.

But it also forces us to look at what that means for the profession. So, we can't simply assume that more diversity means that there are fewer issues. It makes us look at not only who are members of the profession, but what their experiences are. So, as well as the older historic ones that Miriam and I have talked about today, it helps to draw attention to the fact that we still have significant under-representation at the higher levels of the profession and particularly among the judiciary. Back to Miriam.

MIRIAM MBAH: Thank you. And for students then, one of the significant lessons that we can learn from the lives that we have researched is that a law degree can open you up to a wide range of career prospects. For example, when we looked at Obafemi Awolowo, sorry am I have a cold, so my voice is a bit dark and my brain slightly a bit slow. But we looked at Obafemi Awolowo Elias and also Vera and Orton, we can see that they took different career paths. Why Vera and Orton stuck to the traditional career route of becoming a barrister.

Awolowo became a politician and Elias was an academic in addition to being a judge. So, a law degree can open you up to lots and lots of different career prospects, both within the

traditional legal route or the non-traditional route. So, there's lots of reasons to study law and to continue to progress in your law career, even if you don't end up in the traditional legal route.

To the wider audience, there's a lesson about perseverance from these lives. For example, Vera and Orton and Obafemi Awolowo were all imprisoned at one stage in their lives because of the policies or the ideas that they hold, and also because of all of the different oppositions that were in that time. But that certainly didn't stop them from continuously advocating for what they believed in. Awolowo wrote a book in prison and Vera after being released is still advocating for what she believes in addition to her book.

So, I hope that's a lesson for us to continue to persevere in our different career prospect, irrespective of what is happening in our society within the legal sector even, we should learn from these lives and continue to persevere. A second key point that I noted from these lives is that they did not necessarily stick with a particular career, although they may have if they wanted to. Some changed career, going from becoming barristers to politicians and judges, and even held positions at universities.

So, we too can do that when we feel like we have burnt out the candle at our current career.

So really, we have a history that there's a lot to learn from these histories and our lives now may be researched and learnt by the future generations. And certainly, what we do and the things we advocate can certainly have an effect and have an impact in society. So please go to the world and conquer as you, I'm sure, are doing already.

So, thank you very much for listening to our presentation. If you do want to find out more about perhaps the other lives that have been researched as part of this project, then please let myself and Caroline know, or Liz as well. She's involved in the project too. And we can certainly point you to the right direction. So, thank you all.

SPEAKER 1: Thank you very much, Caroline and Miriam.