

The Emergence and History of the “Gentlewomen of the Bar” into the Legal Profession in the South West Geopolitical Zone of Nigeria

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Abstract

This research paper focuses on the emergence of women into the legal profession in Nigeria and the gender inequality that pervaded the legal profession in the colonial days of Nigeria's judicial history. Essentially, most professions in Nigeria were dominated by the male gender and the legal profession was not exclusive, thereby, this paper seeks to understand the historical emergence of women into the legal profession. This paper utilized radical feminism theory in understanding the subject-matter. The paper engaged qualitative research method. The primary data were sourced from historical information such as oral information, observations and interviews. It also includes fieldwork, visits to the Nigerian Bar Association office, Law Schools and Law Faculties in some Universities in Nigeria to obtain vital data for the study. Purposive sampling was engaged in selecting the interviewees. Data were analyzed using content analysis. Findings were able to espouse the genesis and how women emerged into the legal profession in Nigeria.

Keywords: Legal profession; Law; Yoruba; Women; Nigeria

Introduction

Over the years, the legal profession in Nigeria has been dominated by those who are referred to as “Gentlemen of the Bar” thus; it is known to be exclusively preserved for men as the language of law itself lauds the male gender. The patriarchal nature of most Nigerian societies is the major challenge which acknowledges the mortification and subjugation of women. Historically, the number of females in the legal profession increased, though their overall progression was not in proportion with their number. Despite their impacts and contributions beyond all expectations, women still lag behind their male counterparts in the major areas of the profession. No wonder the popular phrase “Gentlemen of The Bar” seems to confirm the notion that there are no women in the profession and if there are their number and influence is comparatively insignificant. However, despite the mass entry of women into the legal profession in Nigeria, most especially in post-independence era, their numerical adjustment did not make much difference in the aspect of access to power and opportunities within the profession but in all ramification female lawyers excelled beyond all expectations.

Literature Review

The historical overview of women into the legal profession in Nigeria

The legal profession during the colonial era in Nigeria was dominated by men who had the opportunity to study Law. The legal culture is a quintessentially male world from which women were excluded. Women were prominent in such professions like teaching and nursing. Aside the fact that there was no degree awarding institution in Nigeria, the University College, Ibadan, which was

established in 1948 was not offering Law as a course; thus even the male lawyers that controlled the profession in the colonial Nigeria were trained abroad. In the midst of the prevailing discriminatory environment in which women were expected to play second fiddle to men, there emerged the first Nigeria female lawyer in November 1935. She was Miss Stella Jane Thomas (later referred to as Mrs. Marke) [1]. The English-type of legal practice had been in existence in Nigeria as far back as late nineteenth century, but it was dominated by men such as Christopher Alexander Sapara Williams, Joseph Egerton Shyngle, Kitoyi Ajasa, Eusebius James Taylor, Steven Beresford Bankole Rhodes, Eric Olawolu Moore, Ayodele Williams, and many others. These men trained like their female counterparts. For example, Christopher Alexander Sapara Williams studied for about a year, he studied at the Wesley College, Sheffield. But in 1876, on account of his father's death, he left the College and joined the Inner Temple and was called to English bar on 17 November 1879 [1]. Likewise, Kitoyi Ajasa, Joseph Egerton Shyngle and others too trained at the Inner Temple and later called to the English Bar. Their female counterparts also went through the same process of training at the Temples. The emergence of Stella Jane Marke, no doubt, was a novelty in Nigeria. The death knell to male chauvinism has been sounded with her emergence into the profession.

Law in this period according to Solanke [2] was considered a masculine job, while teaching; secretarial job and nursing were feminine and which women could easily cope with. In some families also, the female was allowed to engage in menial jobs as housemaids, sewing mistresses and petty traders while the male take up skilled jobs as lawyers, doctors, professors, engineers. Some parents during this period refused to send their female children to school because it is believed that a woman's education should start and end in the kitchen. Among those they had the intention to train their female children; the prevailing thought about Law was probably in connection with activities of some lawyers who engaged in dubious dealings with their clients. Lord Brougham once commented: ‘the Lawyer is a gentleman who secures your estate from your enemies and keeps it to himself

(Lagos Daily News, 1929). This could not but constitute a factor in the choice of female career. However, in spite of the unbecoming practices of some male lawyers, Stella Jane Marke braved the odds to become the first Nigerian female lawyer. She was the first female magistrate, not only in Nigeria, but also in the whole of Africa [3].

The enviable position of Stella Jane Marke among the female lawyers in Nigeria was not rivaled since 1935 until twelve years later when Modupe Alakija (later Mrs. Renner) came into the scene. She became the second female lawyer in Nigeria in 1947. Two years later another lady, Adebisi Adedoyin (later Mrs. Adebisi) was called to the English bar thereby making the number of female lawyers in Nigeria in 1949 three. It took another three years before Gloria Rhodes (later Mrs Jackman) joined the league of Nigerian female lawyers. Since Stella Jane Thomas blazed trail in 1935, only one female lawyer was produced in 1935, 1947, 1949 and 1952. It was in 1953 that three female lawyers were produced, and another three in 1956. Up to 1956 as stressed by Oputa [4], only ten female lawyers had qualified in Nigeria amidst over three hundred lawyers in the country at the period. This shows the rarity of hard work and determination of these ladies to succeed in a terrain which is almost alien to the culture and practices of that period

[5]. However, it was discovered that in the legal profession, an average of two Nigerians were enrolled in the 1930's and the number gradually increased from 1940s [1]. This explains why the numbers of the first set of female lawyers enrolled were few.

Remarkably, 1953 was unique in the annals of the legal practice in Nigeria. This was because three women who later made great impact in Nigerian history were called to bar this year. They were Kafayat Abimbola Augusto (later Mrs. Bakare) who qualified in February 1953, Modupe Akingbein (later Justice Modupe Omo-Eboh) was called to bar in March 1953, and Jayeiola Aduke Alakija who also qualified in November of the same year. Although in comparison with the number of their male counterparts the female were few, the truth is that the women were gradually penetrating what appeared an exclusive male profession. The women could now compete with their male counterparts in the court room and in the civil service. This was the same period when Nigerians were being given the responsible positions to head government departments. Therefore, the hitherto strong opposition to women involvement in public affairs was gradually plummeting.

	Name	Year
1.	Stella Thomas	1935
2.	Modupe Alakija	1947
3.	Princess Adebisi Adedoyin	1949
4.	Gloria Rhodes	1952
5.	Kafayat Abimbola Augusto	1953
6.	Modupe Akingbein	1953
7.	Jayeiola Aduke Alakija	1953
8.	Martina Efunyemi Akerele	1956
9.	Christianah Osibodu	1956
10.	Atandare Beatrice Olukemi	1956
11.	Abimbola Aina Da Rocha	1959
12.	Remilekun Braithwaite	1959
13.	Muyinat Olabisi Dawodu	1959
14.	Atinuke Oloko	1959
15.	Modupe Maja	1959
16.	Ajibola Olubunmi Adelowo	1959
17.	Odujirin Olufunmlayo Olabisi	1960
18.	Onalaja Moronikeji Omotayo	1960
19.	Femi-Pearse Obafunke Folasade	1960
20.	Akintade Sydney Aderinola	1960

Source: Gani Fawehini, Bench and Bar in Nigeria, (Lagos: Nigerian Law Publications LTD).

Table 1: The list and year of call of some female lawyers between 1935 and 1960.

Cultural Challenges that Characterized Women Emergence in the Legal Profession

The sojourn of women in the legal profession traveled on a camel's back between 1935 and 1960 due to the challenges that daunted the female child at that time. The most prominent at that time was the cultural inhibition that restricted women at home and shielding them from being the pillars of the society, setting the pace of development even beyond the compass of the legal profession. In many ways, the legal culture is a quintessentially male world from which women were excluded. This was because the prototype and image of a lawyer is a man.

Social perception and cultural bias that a woman's responsibility is in the management of the home and producing children particularly from the colonial and post-colonial period contributed to the unseemly number of women in the profession. These beliefs amongst others contributed to the low number of women in the legal profession during the period. Tradition permits women to be seen only but not to be heard. For instance among the Yoruba's, women observe and participate in local politics but when their views differ from that of the men, they are regarded as unnecessary to vital decisions [6]. They were not expected to become anything of importance, rather they were to be totally subjected to their husbands do's and don'ts; living at their mercies [7].

As elucidated above, there was great disparity between men and women as far as education is concerned. It was not an easy task to read in those days. But men still had an upper hand over women since many parents did not believe in spending their hard earned money on their daughters, because they would soon drop their maiden names for their husband, and with that eventually, they end their careers in the kitchen. The same parents could go as far as selling properties to send their sons overseas for qualitative education if need be. Some parents ignorantly believe that education could drive girls crazy, becoming uncontrollable when dealing with the opposite sex. Giving girls out in marriage at their tender ages was one issue that worked detrimentally to their advancement in socio-economic ladder. Those in purdah were and are still at greater disadvantage. In short, culture and religion placed a heavy yoke on women [7]. But once it became clear that female education was essential to provide good opportunities for women, the parents began to send their girls to school [6].

At the early beginnings of the colonial administration, women were steered into traditional jobs like farming, carving, weaving, dyeing; traders and their chances into obtaining higher education and skill training were blocked. Many were confined to activities which were of secondary importance and spent a lot of their efforts on activities which aided household consumption rather than capital accumulation and job satisfaction.

Nonetheless, despite the barbaric nature of these cultural and religious barriers, which were stumbling blocks to the progress of women education in most of our societies Denzer, [6] the problem persisted. It is suggested that if the female folk are to be liberated, we have to start from individual homes since charity begins at home. Correspondingly, government should intensify the enlightenment campaign by educating religious and traditional leaders; this will also go a long way to change the situation of women [6]. From 1935, the legal profession began to undergo changes which included the integration of women. As some socio-cultural prejudices reduced, women lawyers gradually became a large part of the landscape with the profession witnessing drastic and modern changes.

Although the female presence was recognized, their activities were minimal. Also their numerical progress did not yield much in power and opportunities at their entry and were either serving as office clerks or secretaries of lower courts. Despite their low number and with the beneficent results of their education, women in the legal profession knocked down the idea that modern profession should remain the preserve for male.

In addition, there was no university that was offering the course in Nigeria at the early beginning of the profession. The first sets of lawyers were trained in English Law. The absence of a university that offered a degree in Law was therefore partly responsible for the few female lawyers on the eve of Nigeria's independence. Also, it was the era of old requirement of three years tutorial at the Inns of Court in England, leading to Barrister-at-Law. This was because of Nigeria's historical link with Britain; her legal education is modeled after the British system. Before the Nigerian Law School was established, call to the English Bar or an admission as a Solicitor in England was qualification for Call by Nigeria's Supreme Court to the Nigerian Bar as a Barrister and Solicitor.

Additionally, many of the female lawyers at those early periods had to practice in either a brother or fathers chamber. Perhaps, this was because of the traditional impression against women as inferior to men and the minimum employment opportunities which were available then for women in Nigeria. The first female lawyer in Nigeria, Stella Jane Marke for example practiced in her brother's Chambers, Mr. E.P.J. A. Thomas who was the first Chief Justice of the former Mid-Western State now comprising of Edo, Delta, Bayelsa, and Rivers States. According to Adewale [8], Jayeola Aduke Alakija also practiced in her father's chamber, Sir Adeyemo Alakija who was also a prominent lawyer [9]. Many of them although had training from elite schools confronted employment discrimination which was practiced openly well into the 1970. Thus working in family law chamber was their only available option. Yet, few women who managed chambers were not independently done. Even though record has it that Jaiyeola Aduke Alakija and Gloria Jackman was the first two women to establish a joint chamber on their own, the belief was that they were inexperienced to operate a chamber. So, Jaiyeola Aduke Alakija recruited a male who assisted in running the chamber [8].

In addition, during this period, the women were there but because law is a diversifying profession many women preferred to go into career establishment than legal practice. The reason was that it was a tough profession to enter into and the women had to compete with men to prove that what a man can do, a woman can also do. Also, at that time women were conceived as “weaker” beings and the demands of the legal profession such as creating time to travel, attending various and prolonged meetings at unholy hours prevented them from participating fully. The legal profession which was only one out of several professions opened to educated elites in the pre-colonial and colonial period and which women were entering into required time, Adewoye [1] and the impression some people had during that period was that a woman should dedicate and sacrifice her time for her family.

Furthermore, another factor that militated against female participation in the legal profession at the early periods was finance. Income rate was low from 1935 to the colonial period even though, compared with medicine or engineering, a legal training was quicker to acquire and the profession itself was easier to establish. For the male, it was still easier to amass fortune at the bar [1]. Those with these traditional attitude found it an anathema for women to enter into male reserved professions which includes the legal profession.

It is also imperative to note that the first set of male lawyers witnessed some challenges too. One was the irregularity of employment except those who are conversant with the English Law. For instance until August 1880 when Christopher Sapara Williams first appeared in the Supreme Court, there was no qualified practicing lawyer in Lagos. There were also stiff requirements of the colonial times that prevented many male lawyers from practicing. For instance, in 1876, the best qualification for practice as a lawyer in the Lagos Courts was admission to European Bars in Britain or Scotland or that a potential lawyer must have constantly worked for five years in the office of a practicing barrister or solicitor residing within the jurisdiction of the Supreme Court. Therefore, the problem who qualified as “fit and proper persons” for the job occurred, but women were also able to overcome these challenges [1].

Theoretical Framework

Radical feminism is one of the several strands of feminism. It maintains that women’s oppression is the first, most widespread, and deepest oppression ever experienced by mankind. Her place in the home is the kitchen and the bedroom, so she is not expected to be schooled, learned or educated. Iwuchukwu [10] noted that radical feminists are only concerned with women’s experiences and perceptions and do not see anything good in man. Some radical feminists are Kate Millett, Shulamith Firestone and Mary Daly. Ogunbameru [11] saw Kate Millett as one of the first radical feminist who insists that the roots of women’s oppression are buried deep in patriarchy’s sex/gender system. Lerner in Ritzer [12] submits that radical feminists see in every institution and in society’s most basic stratification arrangements (heterosexuality, class, caste, race, ethnicity, age, and gender), systems of domination and subordination and the most fundamental structure of which is the system of patriarchy. Not only is patriarchy historically the first structure of domination and submission, it continues as the most pervasive and enduring system of inequality, the basic societal model of domination.

Ritzer [12] argues that feminist theory looks at the world from the vantage points of women with eye to discover the significant but unacknowledged ways in which the activities of women are subordinated by gender and variously affected by other stratification practices such as class; race; age; enforced heterosexuality and geo-social inequality help create our world. Feminists advance a range of explanations for, and solutions to the exploitation of women. They all believe that the development of society can be explained and that progress towards an improved future is possible [13]. The ultimate aim of this type of feminism is to end men’s domination and to rid society of the (even numerical) inequality of women in the legal profession.

Methodology

The study was conducted in the South West geopolitical zone of Nigeria. This zone comprises Lagos, Ogun, Oyo, Ondo, Osun and Ekiti States. The “Yorubas” constitute the predominant ethnic group in this zone and Yoruba language is majorly spoken. This paper engaged qualitative research method. The population is the legal luminaries in the legal profession. Purposive sampling was engaged in selecting the interviewees. Primary data were sourced from historical information such as oral information, observations and experience of some persons in the legal profession was relied on. It also includes fieldwork, visits to the Nigerian Bar Association office, Law Schools and Law Faculties in some Universities in Nigeria to obtain vital data for the study. Data were analyzed using content analysis.

Results and Discussion

Emergence of “Gentlewomen of the Bar”

The Nigeria society both then and now places high premium on male children as compared with the attention given to the female children. This was evident in the number of female lawyers in the legal profession in the pre and post-colonial days. In Nigeria, the colonialist established schools basically to cater for the needs of the men that will become catechists, secretaries and teachers. Njoku [14] stressed that in many places women were not allowed to go to school at the initial stage. This was because the aim of the educational policies of colonial administration was not to produce scholars but clerical staff and interpreter for the regime, which only men could fulfill at a cheap labour. Consequently, only a few women were able to venture into the legal profession.

Adewoye [1] historically highlighted the emergence of women into the legal profession. Despite the unfriendly atmosphere which was dominated by men. The first Nigeria female lawyer Miss Stella Jane Thomas (later referred to as Mrs. Marke) emerged in November 1935. The emergence of Stella Jane Marke, no doubt, was a novelty in Nigeria and trail blazed the entrance of more women into the profession. In consonance, an interviewee hinted thus:

...with the entry of women, the legal profession became competitive.

Supporting the view above, the interviewee expatiated on the achievement made by Stella Jane Mark and her character traits that made the feat possible thus

...the feat achieved by Stella Jane Marke graphically shows the dearth of females in the Law in West Africa in general. It also shows poor enrolment of women in professional callings. It tend out that this was reflective of the colonial educational policies generally which was designed not to professions such as Law in the colonies. Meanwhile, as the only Nigerian female Lawyer of her time, Stella Jane Marke was renowned for her toughness, bravery and steadfastness in the midst of her colleagues. (Interview, female Senior Advocate of Nigeria)

This enviable position of Stella Jane Marke as the pioneer female lawyer in Nigeria was not rivaled until 1947, twelve years later. Modupe Alakija (later Mrs. Renner) became the second female lawyer in Nigeria. Afterwards, two years later another lady, Adebisi Adedoyin (later Mrs. Adebiji) was called to the English bar thereby making the number of female lawyers in Nigeria in 1949 three. It took another three years before Gloria Rhodes (later Mrs Jackman) joined her colleagues of Nigerian female lawyers. Since Stella Jane Thomas blazed trail in 1935, only one female lawyer was produced in 1935, 1947, 1949 and 1952. It was in 1953 that three were produced, and another three in 1956. Up to 1956, only ten female lawyers had qualified in Nigeria amidst over three hundred lawyers in the country at the period [4].

Interestingly, 1953 was unique in the annals of the legal practice in Nigeria. This is because three women who later made great impact in Nigerian history were called to bar this year. They were Kafayat Abimbola Augusto (later Mrs. Bakare) who qualified in February 1953, Modupe Akingbein (later Justice Modupe Omo-Eboh) was called to bar in March 1953, and Jayeiola Aduke Alakija who also qualified in November of the same year. Likewise, Martina Efunyemi Akerele, Christianah Osibodu, and Atandare Beatrice Olukemi called to bar in 1956. These six sets of women were called to bar in 1959; Abimbola Aina Da Rocha, Remilekun Braithwaite, Muyinat Olabisi Dawodu,

Atinuke Oloko, Modupe Maja, and Ajibola Olubunmi Adelowo. While these four women joined the league in the year 1960 that Nigeria gained her independence; Odujirin Olufunmlayo Olabisi, Onalaja Moronikeji Omotayo, Femi-Pearse Obafunke Folasade and Akintade Sydney Aderinola [15].

Despite having women presence in the legal profession in Nigeria, the prejudices continued, only a few clients had confidence in women lawyers. Many were skeptical to seek their services as they were seen as incompetent to appear in court. But these pioneer set of women in the legal profession were determined to cut their teeth in the profession. As explicated by this interviewee:

...this was because in the beginning of the profession and thereafter, practicing female lawyers were at a disadvantage because of their gender. At that time, few people seek the services of a female lawyer compared to the male lawyers because of cultural prejudices. (Interview, Former Chief Justice of the Supreme Court of Nigeria)

This is in agreement with Olujobi [9] that people were not too willing to accept professional women at her time. When it was observed that a female is committed, diligent and determined with no expectation of leniency, she is accorded her due respect. Many of the female lawyers in practice then avoided the use of feminine guile and were very committed to the job. They were also dedicated not just to the job but to other things such as helping young people. The legal profession seems lucrative then as stated by the interviewee below.

...It was as a result of the poor treatment given to all other profession that the legal profession had an influx of young men. Besides, attractions of the law compared with other professions seemed obvious. The legal career provided brighter potentials than most other careers (Interview, female Senior Advocate of Nigeria).

Stating the reasons why there was influx of men into the profession during the colonial era, the interviewee noted that legal profession afforded men social prestige in the society. It placed in an enviable pedestal that makes the profession respectable thereby enticing the females into the profession. They are the “learned” profession then due to their carriage and charisma in the society. She stated thus:

...likewise at that time, a legal practitioner could earn a living independently of the government without being employed in the civil service. It provided some measure of personnel that was absent in most other profession. The profession also added to this, high social prestige; a practicing lawyer enjoys a measure of personal freedom. He could earn a living independent of government. Also because of their power of oration and good communication skills they are called upon for advice and guidance on issues of public and people regard them as relevant to championing the peoples cause (Interview, female Law Lecturer, University of Lagos).

Essentially, the journey of women in the legal profession in Nigeria was not a smooth ride as it were. The few women that were able to make it into the legal profession were discriminated on gender basis. Similarly, most men in the legal profession were reluctant to employ the services of women who were also qualified. These same few women were able to cut their teeth in the early days of the legal profession in

Nigeria because of their astuteness, toughness and determination to swim in the water dominated by males. These qualities shown by these women paved the way for more dogged women who ventured into the legal profession after colonialism ended in 1960.

Conclusion

From the discourse so far, arguably, women in the legal profession have come a long way in history and gradually excelled in their chosen profession. However, the emergence of women into the legal profession was rough and unpromising due to the fact that the status of Nigerian women has always been an ignominious story where they are seen as second class citizens, passengers and minions that should be neglected and denied access to formal education. Uzuegbunam [16] accentuated that women are perceived as profane creatures that deserve no respect and as such should be treated as subordinates to men. Women’s voice should not be heard in any discussion or decision making process. Women are misunderstood and misjudged as inconsequential creatures who could not contribute meaningfully to societal development. The history and emergence of the first female lawyer in Nigeria in 1935 was novel to the societal belief but it flagged women’s attention to the fact that they can also be called the “Gentlewomen of the Bar”.

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