After Empire: Training Lawyers as a Postcolonial Enterprise

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ABSTRACT: The early history of legal education in the English-speaking Caribbean reflects a struggle for local identity and authenticity, while serving multiple states. Because schools are key locales for the making of docile bodies, West Indian lawyers experienced "subjection," a process that names new categories of persons but also subjects them to an articulation of disciplinary powers not of their own making.

In 1972, some years after several Caribbean states had gained their independence from Great Britain, the newly established Council of Legal Education for the West Indies penned its vision for a new generation of Caribbean lawyers[1]:

> Hopefully, he will be skilled in the practice of the law; but this he should be able to do with compassion and with an acute awareness of the anatomy of his West Indian condition; and with the vision and hope of the law reformers and most importantly, with a deep sense of service to the law, to his client and to his community.[2]

In this paper I explore this design for legal education and a postcolonial legal profession in the English-speaking Caribbean. This history is of local and general interest on four accounts. It is first a history of struggle against empire for local identity and authenticity, one fraught with anxiety about ensuring a place for Caribbean jurists at the table of recognized

1. This study draws on primary and secondary sources from the Faculty of Law, Cave Hill, Barbados, and the Hugh Wooding Law School, St. Augustine, Trinidad and Tobago, and focuses on the early years of development. A comprehensive study of the history of legal education and the profession in the Commonwealth Caribbean remains to be written.
2. Council of Legal Education, *Legal Education in the West Indies, 1963–1972* (Mona, Jamaica: University of the West Indies, 1972), preface.

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leaders in the international legal order.[3] It is thus a contribution to postcolonial studies and education.[4]

Second, the project of developing legal education in the West Indies brought together some of the finest legal minds from the region and beyond; they worked across national boundaries to create programs and institutions that could serve multiple states.[5] In the process, they grappled with questions that are highly relevant today: questions about rationalizing law, international courts, immigration, and the fluidity and complexity of boundaries. Third, Caribbean law students were (and are) drawn from many nations and train to practice in multiple international jurisdictions. They were global before that concept held currency.[6] Training lawyers as a postcolonial and global enterprise remains a topic with great potential for further systematic comparison as well as actual and immediate application.[7] Finally, a remarkably high percentage of women have entered the field of law.[8] What evidence can we uncover of their influence in the early years?

3. See Tracy Robinson, "A Caribbean Common Law," *Race and Class,* forthcoming.
4. Meyer reminds us: "Countries that only recently became independent create and enlarge their educational systems with astonishing speed, and on the most advanced ideological grounds. . . . Almost all new states do this, specifying the appropriate ideological rationales and officially subscribing to the most advanced notions of the individual's rights to and obligations in society." See John W. Meyer, "Myths of Socialization and of Personality" in Thomas C. Heller, Morton Sosna, and David E. Wellbery (eds.) *Reconstructing Individualism: Autonomy, Individuality, and the Self in Western Thought* (Stanford: Stanford University Press, 1986), 215. Phillips conceptualized the project of West Indian legal education as revolutionary: "Law was an instrument of social and economic justice. . . . Legal education has moved from a time of formalism and conservatism to an era of revolution." See Sir Fred Phillips, *The Evolving Legal Profession in the Commonwealth* (New York: Oceana Publications, Inc., 1978), 6, 43.
5. H.O.B. Wooding, Chief Justice of Trinidad and Tobago (1962–1968) and later Chancellor of the University of the West Indies (1971–1974), chaired committees that established the programs in legal education. Justice H. A. Fraser retired from the Bench in Trinidad in 1972 and became Director of Legal Education at the Norman Manley Law School in Jamaica. Justice P. T. Georges retired from the judiciary in 1974 and assumed the position of Professor of Law at the Faculty of Law in Barbados. See Selwyn Ryan, *The Pursuit of Honour: The Life & Times of H.O.B. Wooding* (St. Augustine, Trinidad and Tobago: Institute of Social and Economic Research, University of the West Indies, 1990), 208.
6. Founded as a college in the 1940s, but without a program in law, the University of the West Indies (1962) brought together students from all over the Caribbean. Sherlock and Nettleford have described the fascinating history of an institution that grew out of the anti-colonial movement and that was dedicated from its earliest years to building a West Indian identity. See Philip Sherlock and Rex Nettleford, *The University of the West Indies: A Caribbean Response to the Challenge of Change* (London: Macmillan Publishers,1990).
7. In his remarks to the panel "Legacies: Continuities and Disjunctures in New World Law," American Anthropological Association Conference, San Jose, 18 November, 2006, Christopher Tomlins noted that the project of creating postcolonial legal education is ongoing in Gaza and the West Bank.
8. The founding vision for regional tertiary education included a place for women. In 1959, women comprised 35.8 per cent of the total student enrollment. See Sherlock and Nettleford, *The University of the West Indies: A Caribbean Response to the Challenge of Change*, 22, 192. Data compiled by Bailey shows that forty years later (1998/1999), women comprised 76.5 percent of enrolled law students in Barbados, 79 percent in Jamaica, and 87.9 percent in Trinidad and Tobago. Student enrollments by subject field have remained gendered in traditional ways—except for law. See Barbara Bailey, "The Search for Gender Equity and Empowerment of Caribbean Women: The Role of Education" in Gemma Tang Nain and Barbara Bailey (eds.) *Gender Equality in the Caribbean: Reality or Illusion* (Kingston: Ian Randle, 2003), 108–145.

These variables already make this investigation worthy of our attention. Yet we must also recognize that when we study legal education we are studying *schools,* a key locale for the making of docile bodies.[9] Research on the history of higher education in the Caribbean,[10] and recent works in the anthropology of colonialism,[11] have taught us a great deal about power and schooling in imperial encounters. The postcolonial training of the West Indian lawyer, however, has thus far received scarce attention. And the law school, I will argue, is a particularly fascinating site to study the process that I term "subjection."

Subjection is a generative process that creates and names new categories of persons, adding to, replacing, or displacing earlier ones, and by structurally re-arranging previously existing classes. These new categories, of course, are then influenced by hegemonic forms and historical processes not of their own making. It is a process that philosopher Ian Hacking once referred to as "making up people." Hacking's insightful essay centers its examples on nineteenth-century subjects, including perverts, persons with multiple personalities, and the *garçon de café*.[12] In the case at hand, two examples of new subjects include colonial peoples transformed into citizens of new nations and persons trained locally to practice law in participating Caribbean states. As Foucault taught us, both individual and collective social bodies exercise and are exercised by disciplinary power that emanates from within society. Santos' critique of Foucault, however, points out that subjects act and are acted upon by specific constellations of power that deploy disciplinary and juridical forms that are structured and hierarchical.[13] The task for an anthropology of subjection, then, is to delineate the articulation of disciplinary and juridical powers and to investigate their hierarchical ordering and structural principles. Such a study

9. Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Vintage Books, 1979).
10. Space precludes my mentioning all but a few texts. See, for example, Bailey, "The Search for Gender Equity and Empowerment of Caribbean Women: The Role of Education," 108–145; Carl C. Campbell, *Endless Education: Main Currents in the Educational System of Modern Trinidad and Tobago,1939–1986* (Barbados, Jamaica, and Trinidad and Tobago: The Press of the University of the West Indies, 1997); Carl C. Campbell, "Education in the Caribbean, 1930–1990" in Bridget Brereton (ed.) *General History of the Caribbean. Vol. 5. The Caribbean in the Twentieth Century* (Paris and London: UNESCO-Macmillan, 2004), 606–626; Mark Figueroa, "Male Privileging and Male 'Academic Underperformance' in Jamaica" in Rhoda E. Reddock (ed.) *Interrogating Caribbean Masculinities: Theoretical and Empirical Analyses* (Jamaica, Barbados, Trinidad and Tobago: The Press of the University of the West Indies, 2004), 137–166; Marlene Hamilton, "A Review of Educational Research in Jamaica" in Christine Barrow and Rhoda Reddock (eds.) *Caribbean Sociology* (Kingston: Ian Randle, 2001), 685–711; and Sherlock and Nettleford, *The University of the West Indies: A Caribbean Response to the Challenge of Change.*
11. This literature is vast, but see especially Bill Ashcroft, Gareth Griffiths, and Helen Tiffin (eds.) *The Post-Colonial Studies Reader* (London and New York: Routledge, 1995); and Ann Laura Stoler (ed.) *Haunted by Empire: Geographies of Intimacy in North American History* (Durham: Duke University Press, 2006).
12. Ian Hacking, "Making Up People" in Thomas C. Heller, Morton Sosna, and David E. Wellbery (eds.) *Reconstructing Individualism: Autonomy, Individuality, and the Self in Western Thought* (Stanford: Stanford University Press, 1986), 222–236.
13. Boaventura de Sousa Santos, *Toward a New Legal Common Sense: Law, Globalization, and Emancipation* (United Kingdom: LexisNexis Butterworths Trolley, 2002), 356–357.

must grapple with questions of agency, structure, socialization, and quotidian practice. How did one make a postcolonial West Indian lawyer?

The early history of Caribbean legal education is a history of legacies, of "innovative and selective" borrowing, but also one marked by the founders' political savvy, social activism, and acumen.[14] According to Nader, we uncover important knowledge about social organization, power, and responsibility when we "study up" (in this case) the legal profession, a profession that instantiates privileges of socioeconomic class and hierarchies of gender and race, as well as complex linkages between the local, regional, and global.[15] Thus, if there is much to admire in the romantic vision and anti-colonial story[16] of the law schools' founding, the mission of creating postcolonial lawyers was still accomplished in schools—schools which by their selection practices, length of training, course contents, teaching methods, resources and libraries, and directives for new conditions for legal practice, tempered the innovators' visions. The tensions and contradictions of the broader historical and educational context in which Caribbean legal training was devised engendered (and regendered) who might become a postcolonial lawyer, through what means, and with what consequences.[17] How did an administration charged with creating lawyers for multiple states contend with funding, choosing locations for buildings, setting a curriculum, and selecting students and faculty of a certain caliber and merit? How did it set standards, assemble a library, and designate rules for admission to legal practice? I respond to these questions shortly, but first I set the stage for my study with a few background notes.

14. Ibid., 125. In his work on "local" and "official" law operating in "Pasargada" in Brazil, Santos describes borrowing as "innovative and selective," "to guarantee the normative survival of Pasargada law in a situation of legal pluralism in which the official law has the power to define normative problems, but cannot solve them" and "to respond to social conditions and institutional resources of the community that differ from those in the larger society that gave rise to the official law." Ibid, 125. Caribbean law schools also selectively borrowed and innovated.
15. Laura Nader, "Up the Anthropologist—Perspectives Gained from Studying Up" in Dell Hymes (ed.) *Reinventing Anthropology* (New York: Vintage Books, 1974), 284–311.
16. See David Scott, *Conscripts of Modernity: The Tragedy of Colonial Enlightenment* (Durham: Duke University Press, 2004).
17. In earlier work, I explored "regendering the state," a process of bringing to public and legal attention categories and activities that were formerly (and formally) without name, but that constituted harm to women, denied them rights, or limited their capacity to engage in actions available to men. Examples include imposing legal penalties for domestic violence and sexual harassment, which happen primarily although not exclusively to women. See Mindie Lazarus-Black, *Everyday Harm: Domestic Violence, Court Rites, and Cultures of Reconciliation* (Urbana and Chicago: University of Illinois Press, 2007). As will become clear, regendering legal education and the profession involved first women's admission into training and their efforts to reform curricula and teaching practices. The struggle to win equity in securing employment and comparable wages continues.

Legal Education as Colonial Construct

Prior to 1970, people from the Anglo-Caribbean who wanted to practice law there obtained their legal education in Great Britain. As one scholar described it: "The only qualification for admission to the local Bar was call to the English Bar. Thus, the West Indian who wished to become a barrister would travel to England, join one of the Inns of Court, eat his "dinners" and take examinations which were considered relatively easy."[18] This state of affairs suffered numerous and obvious limitations. Given the costs of traveling to and living in England, few persons could realistically aspire to a career as a barrister.[19] The training was idiosyncratic in its content, particularly since no university degree was required.[20] Students learned English law, but, of course, as I and others have detailed, West Indian laws had always varied in important ways from those of England.[21] Once they returned home, new lawyers were ill-prepared to serve clients because their training offered little practical information on how to manage a legal practice.[22] Moreover, in England the occupations of barrister and solicitor were distinct, but in the Caribbean practitioners frequently crossed the line between these two branches of the profession and in some locations they were fused.[23] In other words, "thinking like a lawyer" meant thinking inside a paradigm rooted in British history, culture, and society.[24]

18. R. Michael Castagne, "Legal Education and the West Indian Lawyer: Past, Present, and Future" (Cave Hill, Barbados: Collection of the Law Library, unpublished manuscript, 1976), 5.
19. For data on the number of attorneys working in the Caribbean in the 1950s and 1960s see N.J.O. Liverpool and K.W. Patchett, "The Legal Professions in the West Indies," in *Law in the West Indies: Some Recent Trends, Commonwealth Law Series*, no. 6 (London: The British Institute of International and Comparative Law, 1966), 117–136. In 1957, for example, Trinidad and Tobago had a population of approximately 825,700 persons (based on the 1960 census), of whom 146 were barristers and 82 were solicitors. In 1961, British Guiana's population was 560,500, of whom 156 were barristers and 44 practicing solicitors. Jamaica's 1,606,500 persons included 100 barristers and 191 solicitors in 1963. St. Kitts-Nevis, the most populated of the Leeward Islands with 56,500 persons, included 7 barristers but no solicitors in 1962.
20. O.R. Marshall, "Legal Education For the West Indies," in *Law in the West Indies: Some Recent Trends, Commonwealth Law Series*, no. 6: 138.
21. See, for example, K.W. Patchett, "Reception of Law in the West Indies," *Jamaican Law Journal* (April 1973): 17–35 and (October 1973): 55–67; *Law in the West Indies: Some Recent Trends, Commonwealth Law Series*, no. 6; Mindie Lazarus-Black, *Legitimate Acts and Illegal Encounters: Law and Society in Antigua and Barbuda* (Washington, D.C.: Smithsonian Institution Press, 1994).
22. Errol Barrow, "'Caribbeanising' Our Legal System: Address to the Graduating Class of the Sir Hugh Wooding Law School of the University of the West Indies (UWI), St. Augustine, Trinidad, 23 September, 1986" in Yussuff Haniff (ed.) *Speeches by Errol Barrow* (London: Hansib Publishing, 1987), 170–172.
23. Solicitors and barristers were formally differentiated in Jamaica, Barbados, Trinidad and Tobago, and Guyana. In practice, however, the division between the two professions was never as clear: "For in most territories either actual fusion into a single profession has occurred in fact, if not in law, or a considerable degree of amalgamation of functions has been accepted." See Liverpool and Patchett, "The Legal Professions in the West Indies," 117. See also Castagne, "Legal Education and the West Indian Lawyer: Past, Present, and Future," 5, 6; and Sir Fred Phillips, *The Evolving Legal Profession in the Commonwealth*, 19–26.
24. The phenomenon of "thinking like a lawyer" is explored in myriad sources including Duncan Kennedy, "Legal Education as Training for Hierarchy" in David Kairys (ed.) *The Politics of Law: A Progressive Critique* (New York:

If the limitations of educating Caribbean lawyers in England were obvious, by the late 1960s there was another reason to establish a local law faculty. The British were about to make it very difficult for foreign students to train in England. Convened in 1967, the Ormrod Committee was meant "to advance legal education in England and Wales."[25] Its 1971 report found: "Since the Second World War the resources of the Council of Legal Education have been severely strained by a large inflow of overseas students reaching its peak in 1964."[26] Indeed, Paragraph 179 of the Report is even more candid:

> We are fully aware that our proposals, if accepted, will make it extremely difficult for persons from overseas to be called to the English Bar with a view to practising in their own countries. We are, however, unable to see any alternative. Fortunately, most of the Commonwealth countries have now established their own law schools and are in a position to undertake the training of their own lawyers.[27]

By the late 1960s, in other words, Great Britain was in the process of getting out of the business of training lawyers for other states—including the states that had recently become newly independent Caribbean nations.

Constructing Postcolonial Legal Education

The blueprint for a postcolonial legal education developed in what were extraordinary times in the Caribbean and for Caribbean education. As Campbell explains:

> Without a revolution the Caribbean colonies which became independent nations in the 1960s, chiefly the British territories, had to build on the educational foundations they had inherited from their imperial masters; but they too sought a measure of decolonization in education. . . . Secondary education was taken to the countryside and democratized; equality of access to secondary schools was arrived at partly through the infamous Common Entrance Examination; free secondary schooling and even free university education were pronounced in some English-speaking

Pantheon Books, 1990), 40–61; Elizabeth Mertz, *The Language of Law School: Learning to "Think Like a Lawyer"* (New York: Oxford University Press, 2007); and Robert Stevens, *Law School: Legal Education in America from the 1850s to the 1980s* (Chapel Hill: University of North Carolina, 1983).

25. Council of Legal Education, *Legal Education in the West Indies, 1963–1972*, 34.
26. Ibid., 37.
27. Ibid., 38. As Duany notes, the 1962 Commonwealth Immigration Act "effectively halted West Indian migration to Great Britain and redirected it to the United States." See Jorge Duany, "Beyond the Safety Valve: Recent Trends in Caribbean Migration" in Barrow and Reddock (eds.) *Caribbean Sociology*, 863. By 1969, the Senate of the Four Inns of Court had changed the entry requirements for Bar students. Whereas previously the Inns had admitted "all persons of good character and of educational attainments which make it likely that with proper training they can become competent barristers," the new admissions standards required "two passes at the G. C. E. Advanced Level at Grade 'C' or its equivalent." See Council of Legal Education, *Legal Education in the West Indies, 1963–1972*, 37. A second change was to cease formal teaching for the first part of the Bar examination. Both decisions had deleterious effects on overseas students.

> territories; schoolbooks and curricula were redone to reflect local themes and interests; traditional classical secondary education was de-emphasized up to a point to make way for technical/vocational subjects; the entire educational industry was expanded by greater expenditure on schools. All these changes left the educational model in the British Caribbean well within the colonial framework of the past, but at least partially decolonized.[28]

A committee chaired by Sir Hugh Wooding, then Chief Justice of Trinidad and Tobago, had begun to look into the task of establishing local legal education as early as 1963.[29] The committee's members included representatives from several territories. The initial report, which appeared in 1965, was mostly well-received, although dissension remained with respect to the location of the Faculty of Law, the role of the Council of Legal Education, and the year of apprenticeship.[30] Subsequently, Professor Roy Marshall, then Dean of the Faculty of Law at the University of Sheffield, and later Vice-Chancellor of The University of the West Indies, agreed to advise the committee. New recommendations were issued in 1967. In this report, the case for a West Indian legal education rested on five premises:

> First, and most important, is the general need throughout the world to promote, encourage and support respect for the rule of law and its application. . . . Secondly, and more specifically, in legal as in economic, cultural and other matters, what goes on in one territory of the West Indies is of interest and importance to the others. . . . Thirdly, West Indian law and legal history are worth studying in their own right and not merely as an appendix to the history of the common law and civil law in the motherlands. Indeed, the wealth of existing legal material, which has not yet been worked over, offers exciting possibilities of producing works of legal scholarship of high standard. Fourthly, . . . there is the steadily growing need for personnel trained in the law and thereby equipped to serve in advisory capacities, international and national agencies, central and local governments, public and other statutory corporations, commercial and industrial enterprises, and a number and variety of other concerns. Fifth is the urgent need to provide a more adequate and relevant legal education for those who intend to practise law in the West Indies.[31]

The committee's rationale is noteworthy on two accounts. First, it presumes continuity of the rule of law, but also the explicit inter-connectedness of states. Second, it heralds each state's own legal traditions and history, but assumes the viability of a legal education for training

28. Campbell, "Education in the Caribbean, 1930–90," 618–619.
29. A 1956 proposal to University College of the West Indies for local legal education to be taught in a small institute that might grow into a Faculty of Law was tabled. See Marshall, "Legal Education For the West Indies," 145.
30. In addition to Chief Justice Wooding, the members of the Committee on Legal Education included Dudley J. Thompson and Leslie E. Ashenheim from Jamaica, Frederick Kelsick from the Leeward Islands, Dennis A. Henry from the Windward Islands, Erskine R.L. Ward, Lindsay E.R. Gill, and H.W. Hudson-Phillips from Barbados, and Robert M. Sellier from Trinidad and Tobago. Fred A. Phillips served as Secretary. See Committee on Legal Education, University of the West Indies, *Report of the Committee on Legal Education* (St. Augustine, Trinidad and Tobago: Collection of Hugh Wooding Law School Library, 1965), 1. The Report recommended a five-year training program, set qualifications for reciprocal practice throughout the region, advocated a fused profession, and reached consensus on the curriculum, library, and staff, but the location for the Faculty of Law remained contentious. Ibid., 14–16.
31. Council of Legal Education, *Legal Education in the West Indies, 1963–1972*, 11.

and a professional life across the fields of law, business, government, and international affairs, and beyond any one state.[32] Thus the founding vision is at once hegemonic in its faith in law and lawyers, and unorthodox for its time in advocating for the creation of a legal profession that would serve both the local and the global. Not surprisingly, then, the early period of indigenous legal education was characterized by the partial decolonization of education about which Campbell writes, but also by important innovations and novel directions. The task for an anthropology of subjection is to seek a more nuanced view of what was accomplished, by whom, and with what results, and with due attention to how disciplinary and juridical powers were structured and institutionalized.

My argument is illustrated in the multiple sites chosen to school this new generation of attorneys, by the curricula, and by the questions that were posed by the first faculty and others who consulted on developing the programs.[33] For example, instruction was dispersed to ensure regional participation. The first year of the program for the LL.B. degree was to be administered at each of the three UWI campuses, and also at the University of Guyana. Thereafter, students would transfer to the new Faculty of Law at Cave Hill, Barbados, for two additional years of study. Following completion of the LL.B., students could apply for admission to one of two professional schools, located in Trinidad and Jamaica. These schools were administered by the Council of Legal Education, whose members were drawn from the participating states.[34] The two-year course of study offered in the professional schools led to a

32. The Council argued law provided training for a career in the civil service, policing, banking, accounting, administration, welfare services, and management in industry and commerce. See Council of Legal Education, *Legal Education in the West Indies*, 17–18. Thirty years later, the Barnett Committee voiced its continued commitment to the "ideals of the framers of the West Indian system of legal education." Law must be taught as a "liberal and liberating subject," with students educated to view law "as an instrument of social change and economic development," appreciative of the "role of the lawyer in the Caribbean community . . ." See Council of Legal Education, *Report of the Review Committee on Legal Education in the Caribbean 1996* (St. Augustine, Trinidad and Tobago: Collection of Hugh Wooding Law School Library, 1996), 49.
33. Planning for local legal education continued from 1967 to 1970. A conference supported by the Ford Foundation brought together scholars and practitioners from Australia, Britain, Canada, and the West Indies. See Council of Legal Education, *Legal Education in the West Indies, 1963–1972*, 15. A committee met in Barbados in January, 1970, that included: "Sir Fred Phillips, Sir Allan Lewis, Henry de B Forde, the Hon. Kendall Issacs, Sonny Ramphal, L.E. Ashenheim, Karl Hudson-Phillips, Dr. Dennis Irvine, Dr. O.R. Marshall, Mr. Allister McIntyre, Ashton Preston, LCB Gower of the English Law Commission, Ivan Head, Legislative Assistant to the Prime Minister of Canada, and Justice Aubrey Fraser, then Judge of the Appeal Court of Trinidad and Tobago." See Selwyn Ryan, *The Pursuit of Honour*, 283–284.
34. "Agreement Establishing the Council of Legal Education" was signed on 25 March 1971 by Barbados, Dominica, Grenada, Guyana, Jamaica, Trinidad and Tobago, The University of the West Indies, and The University of Guyana. See Council of Legal Education, *Legal Education in the West Indies*, 22. The Council's functions were "to undertake and discharge general responsibility for the practical professional training of persons seeking to become members of the legal profession" and "to establish, equip and maintain Law Schools, one in Jamaica, one in Trinidad and Tobago and in such other territories as the Council may from time to time determine, for the purpose of providing post-graduate professional legal training." Ibid., 41.

"Legal Education Certificate" that qualified successful candidates to apply to practice throughout the region. In other words, learning to think like a lawyer might very well entail learning to live in two or three different countries; there was nothing comparable in England.

The curriculum also exemplifies the founders' concerns to build a socially-informed and modern Caribbean jurisprudence. In the first year of study for the LL.B., students took Introduction to Law and Legal Systems in the West Indies, Criminal Law, History of the Caribbean, the Use of English, and an elective in social science. The second year covered Constitutions and Constitutional Law in the West Indies, Civil Obligations, Real Property, and Law and Society (spread over two years), a course aspiring to cover such topics as Law, Justice and Morality, Theories of Jurisprudence, and Law and Justice in the Social Dimension. In the third year, students continued their studies in Law and Society, chose Public International Law or Comparative Law, and selected three electives. Teaching was by lecture and tutorial. Students were "encouraged to learn the art of legal reasoning by use of the case-book method" and it was hoped they would be able to participate in "competitive mooting."[35] The program would also provide eventually for the degrees of Master of Laws (LL.M.) and the Ph.D.

The two-year curriculum at the professional schools, Hugh Wooding Law School in Trinidad and Tobago and the Norman Manley Law School in Jamaica, was less esoteric. Admission was based on possession of the LL.B. from the University of the West Indies, or another "approved" university, with the school preserving the right to require preliminary or remedial courses.[36] Teaching methods in these schools emphasized "learning by doing." Students gained practical experience by drafting legal documents, interviewing clients, and conducting litigation.[37] They were introduced to deeds, wills, conveyances, negotiations, and the prosecution and defense of criminal cases. The Council proposed compulsory courses in Civil Procedure and Practice, Criminal Practice and Procedure, Evidence, Legal Drafting, Office Management, and Status of the Legal Profession, and electives in fields such as Family

35. Ibid., 18–20.
36. Today there are three professional schools. Residents from Anguilla, Antigua and Barbuda, Belize, Jamaica, Montserrat, and St. Kitts-Nevis normally apply to the Norman Manley Law School in Jamaica. Residents of Barbados, Dominica, Grenada, Guyana, St. Lucia, St. Vincent and the Grenadines, and Trinidad and Tobago apply to the Hugh Wooding Law School in Trinidad. The Eugene Dupuch Law School opened in 1998 in the Bahamas and draws students from the Bahamas, British Virgin Islands, Cayman Islands, and Turks and Caicos Islands. The principal of a school, however, may admit a student from a country outside the region. See Council of Legal Education, *Professional Law Schools: Regulations 2003* (St. Augustine, Trinidad and Tobago: Collection of the Hugh Wooding Law School Library, 2003), 10–11. Since 1983, there has been available a six-month course that allows persons trained abroad in a common law jurisdiction, but wishing to practice in the West Indies, to take classes in Caribbean law and to gain practical training in courts and law offices so that they can be admitted to the bar. Ibid. 28–29. In 1996, due to the large number of applicants, an entrance exam was put into place for holders of external LL.B. degrees. See also Karen Nunez-Tesheira, *The Legal Profession in the English-Speaking Caribbean* (Kingston: The Caribbean Law Publishing Co., 2001), 16.
37. Castagne, "Legal Education and the West Indian Lawyer: Past, Present, and Future," 16, 17.

Law, Insurance Law, and Landlord and Tenant.[38] Reflecting the international perspective that characterized the founders' vision for legal education, the Council recommended adopting a syllabus from the Nigerian Law School.[39]

The faculty began teaching in October 1970. There were twenty four students in Jamaica, nineteen in Trinidad and Tobago, thirty five in Barbados, and thirteen in Guyana.[40] By 1972, 296 students, representing fifteen territories, were enrolled across the three-year program.[41] Acquisitions for the law library began in earnest with the appointment in 1972 of the school's first librarian, Francis Kongwa.[42] The first text of West Indian legal materials was produced for a course on West Indian legal systems in 1974. The first cohort of locally trained lawyers entered practice in 1975.

If the sites and curricula for teaching law in the West Indies were cosmopolitan, so too were the foundational questions. Those who hammered out West Indian legal education asked compelling questions about the relationship between history, law, and society—within and across borders. The Hon. Hugh Wooding, for whom the Law School in Trinidad is named, was deeply committed both to regional integration and to Caribbean peoples' participation in the wider universe of ideas.[43] Professor Roy Marshall asked: "How far was law transported from one territory to another in the brief-cases of keen Attorneys-General? . . . And what about the great figures of the law in the West Indies?"[44] He urged further study of Caribbean jurists who had contributed to the international scholarship on Commonwealth law.[45] Professor

38. Council of Legal Education, *Legal Education in the West Indies*, 29–30.
39. Ibid., 30–31.
40. Ibid., 16.
41. The largest number came from Jamaica (121), followed by Trinidad and Tobago (65), Barbados (23), Guyana (20), Bahamas (18), and St. Vincent (15). Smaller numbers of students came from Belize (9), Cayman Islands (2), Dominica (7), Grenada (6), Montserrat (2) and Tortola (1). Seven students entered school from territories that had not contributed to the financing for the Faculty of Law: St. Lucia (1), Antigua (3), and St. Kitts/Nevis/Anguilla (3). There is no information in this report on the gender, race, ethnicity, or religious affiliations of the participants. Ibid., 17.
42. *Trinidad Express,* 20 November, 1988.
43. Wooding was "delighted that the University had become more conspicuously West Indian," while retaining his belief in the importance of international scholarship. See Ryan, *The Pursuit of Honour*, 268. Wooding's inaugural address as Chancellor of UWI makes the point: "I am just as concerned as anyone that our University should promote and nurture a truly West Indian consciousness. But I believe we can profit from the cross-fertilisation of ideas that often results from non-West Indians serving in our University and from West Indians serving for a time in and later returning to us from universities abroad. . . . Our young men and women must capture and distill the mood of the day and give to it an expression which is identifiably West Indian." Ibid., 268, 269.
44. Marshall, "Legal Education For the West Indies," 143, 144.
45. Marshall references an impressive list: "Burge, whose book on colonial law is an indispensable tool of the practitioner's trade in the Commonwealth, was at one time Attorney-General of Jamaica; Sanderson . . . who as Chief Justice of Tobago and Grenada was responsible for . . . some novel legislation on the reception of English law; the two great Barbadian judges—Sir Conrad Reeves, the first coloured man to achieve that honour . . . and Sir William Chandler— . . . who acted as Chief Justice while being simultaneously President of the Legislative Council; and perhaps the greatest legal luminary of them all, Sir Hugh Wooding, present Chief Justice of Trinidad and Tobago, the elegance and erudition of whose reported judgments put him among the forefront of Commonwealth jurists." Ibid., 144.

K. W. Patchett understood that locally crafted Bills of Rights and debates about men's fundamental freedoms in the new Caribbean nations were legal developments that merited serious attention.[46] He saw, too, the political and legal complications of patterns of legal and illegal immigration, as well as the need for a rationalized system of courts that could serve multiple states.[47] R. Michael Castagne, a visiting professor, asked his students at Cave Hill in 1976: "What type of lawyers *do* the West Indies require?"[48] The question resonates today.[49]

Not surprisingly, however, the 1970s generation faced challenges. If there is much to admire in the vision of the law schools' founders, the mission of creating postcolonial lawyers was still accomplished in schools conditioned by earlier structural, institutional, and juridical practices. By their admissions standards, length and terms of training, course contents, pedagogical forms and methods, and resources, schools tempered the innovators' visions. Local legal education was meant to produce statesmen and leaders; it would also generate elite strata that reproduced some of the hierarchy of the earlier colonial era. I describe next four additional practices of subjection that contributed to the hegemony of an earlier imperial practice: 1) processes of admission; 2) the content and structure of legal training; 3) the availability of resources; and 4) local legislation regarding who might be admitted to practice.

First, the process for admission to tertiary and postgraduate education favored relatively few students, and these select few were among the most privileged members of society.[50] As several scholars have noted, the process for admission to the three campuses of the University of the West Indies reproduced the hierarchical relations of power that permeated the wider social systems in which they were embedded. Admission to the campuses favored students from the "best" secondary schools, but secondary school placement is determined when students are ten or eleven years old. Once a student fails to qualify for a prestigious school, his or her chances of advanced academic training are greatly diminished.[51] As Goulbourne

46. K.W. Patchett, "Introduction," in *Law in the West Indies: Some Recent Trends, Commonwealth Law Series*, no. 6: 61.
47. Patchett raised issues that remain relevant. Should the concept of "domicile . . . continue as the fundamental determinant where considerable numbers of the population move to another territory, yet never lose their intention to return home some day?" Could "uniformity in the recognition of legal transactions in other territories be achieved?" Ibid., 65.
48. Castagne, "Legal Education and the West Indian Lawyer: Past, Present, and Future," 18 (emphasis in original).
49. See, for example, Barry Chevannes, "If the Shoe Doesn't Fit: Law and the African-Caribbean Family," *Journal of Eastern Caribbean Studies* no. 2 (2002): 80–95.
50. Clive Thomas, "Reflections on the Evolution of the University System in the English-speaking Caribbean," in Barrow and Reddock (eds.) *Caribbean Sociology* (Kingston: Ian Randle, 2001), 728.
51. See, for example, Campbell, *Endless Education*; Campbell, "Education in the Caribbean," 606–626; Goulbourne, "Access to Legal Education and the Legal Profession in Jamaica," in Rajeev Dhavan, Neil Kibble, and William Twining (eds.) *Access to Legal Education and the Legal Profession.*(Stanford: Stanford University Press, 1986), 174–189; and Hamilton, "A Review of Educational Research in Jamaica," 685–711.

concludes: "Access to general education is a major determinant factor in gaining access to legal education and thence to the profession."[52]

Access to legal education also favored students from the larger independent states which, not coincidentally, paid the lion's share of the costs of the new programs.[53] Subsidies for tuition were provided for most students, but not those from countries who could not afford their share of the "fair" costs. Progression into the professional schools was also constrained in this way; namely, by whether or not a participating territory had paid its dues and whether the student could manage the financial gap between state assistance and the real economic costs of the program.[54] In other words, although a Caribbean legal education certainly cost much less than one acquired in England, it still demanded significant resources to be borne by the student.

My research did not uncover information about the race or ethnic identities of the first law school applicants. However, using Jamaica as an example of the problem of access to legal education, Goulbourne reports: ". . . the well-known Anglophone West Indian tradition of maintaining internationally competitive educational standards, coupled with the comparatively rigid class/colour structure have proved to be tenacious barriers to access for ambitious and able members of the black majority." She finds in Jamaica a history of "the racial *minority's* exclusion of the black *majority* from participation in the profession."[55] Goulbourne credits the Bar Regulation Act of 1960, a change in the composition of the judiciary, and the return of the Peoples' National Party (PNP) to office (1972–1980) as events that promoted both the growth of the bar and the gradual acceptance of black attorneys in Jamaica.[56]

52. Goulbourne, "Access to Legal Education and the Legal Profession in Jamaica," 187. Beginning in the 1960s, participating governments greatly increased grants and scholarships to gifted low-income university students; by the mid-1980s the number of such students climbed to nearly 50 per cent. See also Sherlock and Nettleford, *The University of the West Indies*, 192.
53. Funding became contentious when some states decided not to contribute specifically to the Law Faculty. The University Grants Committee resolved the issue by distributing the costs to willing members on an adjusted percentage basis. Students from paying territories were admitted with subsidized tuition. Students from non-contributing territories might enroll, but only after applicants from contributing territories had been considered, and those students would pay fees. Thirteen governments contributed to the new Faculty of Law. See Council of Legal Education, *Legal Education in the West Indies*, 16. A student's tuition continues to vary depending upon the willingness of her government to assume its designated fees. See Council of Legal Education, *Professional Law Schools: Regulations 2003*, 2.
54. Instructions for applicants to the Hugh Wooding Law School in 2006 estimated students' anticipated expenses. Nationals from Trinidad and Tobago, Dominica, and Grenada—all full contributors to the Council—were responsible for fees of TT $13,030. Barbados paid all of its students' fees, except for TT $530. In contrast, students from Antigua and Barbuda, Guyana, and St. Lucia, countries in arrears in their contributions, faced bills of TT $61,853. Students are also responsible for books, copying, food and accommodations, personal expenses, etc. See Council of Legal Education, "Two-Year Program: Hugh Wooding Law School," 3–5.
55. Goulbourne, "Access to Legal Education and the Legal Profession in Jamaica," 174 (emphasis in original). White and Jewish firms dominated the bar there throughout the nineteenth century and into the twentieth century.
56. Ibid., 176.

Initially, too, selection favored male applicants. The roster of names of the first graduates of the Hugh Wooding Law School in 1975 suggests about twenty percent were women.[57] In his presentation address to the 1979 graduates of Hugh Wooding Law School, Senator Michael de la Bastide did not mince words about the persistence of gender and racial prejudice:

> You will find in our profession many of the ills that plague the larger society, and in particular you will find a good deal of prejudice of one sort or another. One does not have to be a feminist to detect some residual prejudice against women in the profession, more especially on the barrister's side. The figures I have been given show that in previous years the number of women graduating from this School averaged about 28% of the total while this year over 40% of you are women. . . .
>
> You will also find in the profession, as in the society, a good deal of racialism, which tends not to be mentioned in public but is sometimes exaggerated in private. . . . Nevertheless, it is my opinion that these allegations do have a substratum of truth. . . . I would not like to give the impression that this is a pervasive feature of the legal profession today but if we are to eradicate this canker entirely, we must start by acknowledging its existence.[58]

Women received more first degrees in law than men for the first time in 1980; the same year that more women graduated from the Norman Manley Law School.[59] As de la Bastide suggests and Goulbourne's empirical research in Jamaica points out, of course, gender equity at school need not be replicated in the workplace. In the late 1980s, for example, only five of forty-two partners in the three largest firms in Jamaica were women and few had achieved acclaim for their advocacy work in court or sat on the benches of the highest courts.[60] In these ways, then, the selection process for admission to legal education and acceptance into legal practice reproduced the class, racial, and gender biases characteristic of the earlier colonial era.

Second, although the curricula of the West Indian programs were innovative, Professor Castagne still criticized sharply the content of several courses, as well as the preservation of the British system of lectures, tutorials, and examinations.[61] Castagne declared the course on English "useless" and complained: "There is a serious doubt as to whether the law is expressive of the new political realities of the area."[62] He advocated more in-class use of regional cases

57. Hugh Wooding Law School, *15th Anniversary: Hugh Wooding Law School, 1973–1988* (St. Augustine, Trinidad and Tobago: Scrip-J Printer, 1988), 8. See also Goulbourne, "Access to Legal Education and the Legal Profession in Jamaica," 179, 180.
58. Michael de la Bastide, "Presentation Address, October 16, 1979," Hugh Wooding Law School, *15th Anniversary: Hugh Wooding Law School*, 29.
59. Goulbourne, "Access to Legal Education and the Legal Profession in Jamaica," 179, 180.
60. Ibid., 186. On the issue of continued gender inequity in schools, as well as in faculty hiring at UWI, see Figueroa, "Male Privileging and Male 'Academic Underperformance' in Jamaica," 137–166.
61. Castagne, "Legal Education and the West Indian Lawyer: Past, Present, and Future," 11–14, 17.
62. Ibid., 12, 20. By 1970, when the first students were admitted, the regionally-based Federation of the West Indies (1958–1962) had disbanded. There is little doubt that this experience of inter-island government and its unifying Federal Supreme Court, had a profound effect in the Anglo-Caribbean. See Patchett, "English Law in the West Indies," 13, 52–53. By the time of Castagne's essay, most of the formerly British colonies had achieved at least some degree of local political control. Six were independent and six others held the status of Associated States, retaining

and precedents, the comparative method to demonstrate the complexities of the legacies of British, Dutch, French, and Spanish colonial experiences, setting up legal aid clinics at the law schools, and developing active local bar associations.[63] He noted that the faculty's attempt to introduce the Socratic Method, at that time the most common teaching method in American law schools, was a resolute failure: "The students were strongly opposed to the system."[64]

They were indeed. A document entitled "Legal Education in the West Indies: Report of the Curriculum Research Committee" (1976–1977), a committee appointed by the Students' Representative Council at Hugh Wooding Law School, and chaired by a woman, provides insight into students' concerns and their suggestions for reform. They strongly opposed the authoritarian lecture style of the Socratic Method, advocated making the course on Comparative Law compulsory, and reiterated the need to create a West Indian jurisprudence.[65] Other proposals for reform follow in the same vein: prepare students to practice law locally; assess their work by a variety of different evaluative methods; organize moots, seminars, and internships; add a legal aid clinic; and create short optional courses.[66] It was perhaps still too early in time for the reformers to advocate for hiring women: regendering the faculty, like regendering the state, proceeded slowly in the early years of postcolonial legal education.[67]

ties to Great Britain for matters of defense and foreign policy. See Castagne, "Legal Education and the West Indian Lawyer: Past, Present, and Future," 20.

63. Castagne, "Legal Education and the West Indian Lawyer: Past, Present, and Future," 23–28.
64. Ibid., 14.
65. Lynette Seebaran served as Chair of the Committee, which also included Arthur Douglas, Roy Singh, and Tillman Thomas. See Curriculum Research Committee, Hugh Wooding Law School, "Legal Education in the West Indies" (St. Augustine, Trinidad and Tobago: Collection of Hugh Wooding Law School Library, unpublished manuscript, 1976–1977), 1, 2–4.
66. Ibid., 5–12. The students' image of the new West Indian lawyer was not unlike that of the program's founders, "defined, not by those interests which pay the highest price for the services of the profession but rather by the recognition of a duty to the West Indian peoples to assist in the development process." Ibid., 2. Improvements and innovations in the law school programs have occurred at regular intervals. In 1977, members of a workshop in St. Kitts recommended course revisions, clinical legal training, continuing education programs, paralegal training, and publication of current judgments and legal research. See Council of Legal Education, *Report on the Workshop on Legal Education in the Caribbean* (St. Augustine: Trinidad and Tobago: Collection of the Hugh Wooding Law Library, 1977). See also Austin L. Davis, "Review, August, 1988" in Hugh Wooding Law School, *15th Anniversary: Hugh Wooding Law School*, 6. In 1981, Sir Roy Marshall led another reform committee whose recommendations were implemented in 1984. Ibid., 6. See O.R. Marshall, "The Response of the Law to the Challenge of Independence: A Review of the Past and an Agenda for the Future, with Particular Reference to Barbados," in Gilbert Kodilinye and P. K. Menon (eds.) *Commonwealth Caribbean Legal Studies: A Volume of Essays to Commemorate the 21st Anniversary of the Faculty of Law of the University of the West Indies* (London: Butterworth & Co., 1992). The 1996 Barnett Committee recommended further revisions in admissions standards and the quota system; changes to reflect new legal fields; teaching that emphasized problem solving; encouraging research and publication; technological innovations; distance learning; extending the six-month course for foreign-trained attorneys; reviewing education in Guyana; and creating a third law school in the Bahamas. See also Council of Legal Education, *Report of the Review Committee on Legal Education in the Caribbean 1996*. More detailed discussions of these reforms are beyond the history I can undertake here.
67. Lazarus-Black, *Everyday Harm*, 21–23. I did not find in any of the sources I examined the suggestion to hire female faculty. The report, *Legal Education in the West Indies*, 20–21, includes as the "Composition of the Faculty of Law" twenty-five names of which three or possibly four were women.

Moreover, writing about colonial Trinidad, Oxaal alerts us to the important point that there may be a critical contradiction between the *content* and the *structure* of education:

> The Victorian schoolmaster and priest may or may not have disseminated democratic values but they did manage a system of rewards in which objective, universalistic criteria for recognizing merit and granting advancement were supposed to be in force. The fact that these ideal formal criteria were often violated—or, at any rate, were often thought to be violated, by local students and teachers—was of great importance in undermining the legitimacy of the colonial regime.[68]

The West Indian design for legal education clearly tried to address some of the grievances of the colonial period, but this goal was thwarted in part by lingering contradictions between the contents, structure, and methods of education, and by the poverty of available resources.

This poverty of resources comprised a third neo-colonial structure shaping the process of subjection. Austin L. Davis, Principal of the Hugh Wooding Law School at the celebration of its fifteenth anniversary, described the first building in which faculty and students labored in Trinidad as one "formerly occupied by the District Medical Officer and subsequently, by the Sports Council, but which had long since been vacated and left to the pigeons, spiders and termites to peacefully co-exist there." "Undoubtedly," he concluded, "the very poor facilities of the old Law School building contributed in no small way to the turbulence of the early years."[69]

During the colonial period the texts available to local attorneys in each island consisted mainly of English law books and statutes, coupled with local laws. Not surprisingly, the library collection at Cave Hill also focused heavily on things British. A reporter for the *Trinidad Express* described the law library collection in Trinidad in this way: "Early emphasis was placed on the acquisition of Commonwealth primary materials; with special efforts being made to acquire Caribbean legislation."[70] Students at Hugh Wooding urged their tutors to "create a West Indian jurisprudence, a West Indian method of approach to law," but acknowledged: "We are all frustrated in this last exercise by the unavailability of West Indian legal materials."[71] In a public address in 1980, John Dyrud, Law Librarian at Cave Hill, weighed the library's strengths and weaknesses. He found its collection of English, Canadian, and other Commonwealth materials impressive; but weaknesses were evident in the areas of non-English texts and monographs, American primary materials, international law, and other specialized

68. Ivar Oxaal, "The Intellectual Background to the Democratic Revolution in Trinidad," in Wendell Bell (ed.) *The Democratic Revolution in the West Indies: Studies in Nationalism, Leadership, and the Belief in Progress* (Cambridge, MA: Schenkman, 1967), 47–48.
69. Davis, "Review, August 1988," Hugh Wooding Law School, *15th Anniversary: Hugh Wooding Law School*, 5.
70. *Trinidad Express*, 20 November, 1988.
71. Curriculum Research Committee, Hugh Wooding Law School, "Legal Education in the West Indies," 4.

areas.[72] In other words, British and Commonwealth law and legal history continued to constitute a hegemonic frame of reference for thinking like a lawyer. Caribbean students and attorneys read English cases because decisions by Caribbean judges were largely unreported and unavailable.[73]

Finally, subjection entailed the matter of establishing conditions for admitting attorneys to practice. The charter signed by the participating states enabled anyone who had successfully completed the course of study in the region eligible to practice after 1975. (Already practicing attorneys trained abroad were exempt.) However, the agreement acknowledged that "local legislation may add further requirements not of an educational nature, such as the requirement of nationality, which must be satisfied before the right to practise is granted in a particular territory."[74] Thus, the law schools set in motion a common socialization process, but the separate states set the precise conditions of practice. A struggle would then ensue between those who favored fusing the roles of solicitors and barristers, and those who did not.[75] Moreover, the first decade of graduates found personnel shortages in the smaller states, lack of legal specialization, underdevelopment of the field of legal drafting, and the inability of governments to attract attorneys.[76] In addition, new practitioners had to prove themselves: "In Trinidad and Tobago the local graduates were referred to as 'CKD' Lawyers. For those not familiar with Third World economies, the term 'CKD' is common to our screwdriver economies where Completely Knocked Down cars are imported for local assembly in crates which are marked CKD for easy identification."[77]

These criticisms and contradictions notwithstanding, it is clear that the founders of Caribbean legal education intended to provide students with a much deeper knowledge of the history and sociology of their communities than had previously been possible when they

72. John Dyrud, "U.W.I. Faculty of Law Library Ten Years (1970–1980): Assessment and Projection" in Francis Alexis, P.K. Menon and Dorcas White (eds.) *Commonwealth Caribbean Legal Essays* (Cave Hill, Barbados: Faculty of Law, University of the West Indies, 1982), 63.
73. Robinson, "A Caribbean Common Law," forthcoming.
74. Council of Legal Education, *Legal Education in the West Indies*, 27.
75. Trinidad and Tobago did not erase the distinction between solicitors and barristers until 1987. Thereafter, all lawyers would be known as Attorneys-at-Law. See *Trinidad Guardian*, 18 October, 1988. Today most, but not all, of the English-speaking Caribbean states are guided by indigenous Legal Profession Acts. Some Eastern Caribbean territories, however, remain without either indigenous legal profession acts or a fused profession. See Nunez-Tesheira, *The Legal Profession in the English-Speaking Caribbean*, 1–5, 11. In recent years some nations have allowed easier access to the bar to attorneys not trained in the region. Goulbourne suggests that those changes "are not in keeping with the spirit of the Treaty and the emphasis that was placed on the Caribbean content of the courses to be taught." See Goulbourne, "Access to Legal Education and the Legal Profession in Jamaica," 181.
76. K.W. Patchett, "Legal Resource Needs in Small Caribbean States—The Need for New Initiatives?" in Alexis, Menon, and White (eds.) *Commonwealth Caribbean Legal Essays*, 165–186.
77. Sobion, "The Council of Legal Education: Looking Back and Forward," Hugh Wooding Law School, *15th Anniversary: Hugh Wooding Law School, 1973–1988*, 87.

trained in England. As Carnegie noted: "It goes almost without saying that the indigenisation of legal education has represented a significant step in our exploration, as West Indians, of our independent destiny."[78] Moreover, that training was provided by an international faculty whose vision of law and legal reform was decidedly liberal. Even Castagne, the decided critic, had to concede that the Law Faculty at Cave Hill in the 1970s was "probably one of the most cosmopolitan in the world."[79] Those who founded Caribbean legal education understood that they were building upon a colonial legacy that was never *only* English, or French, or Spanish, or Dutch. They saw a history riveted with extraordinarily interesting examples of what men did with their codes in everyday life. Legal education in the West Indies would "study up;" it would begin with the local, although not the local as the colonizers imagined it, and draw upon and contribute to the global. Exemplifying the dialectic, J.C. Gonsalves-Sabola, Justice of the Court of Appeal in Guyana, asked the graduating class of Hugh Wooding Law School in 1981 whether it was not time that the "reasonable man" of English common law be "located on terra-firma somewhere in the region? Why not Woodford Square in Port-of-Spain, or Merriman's Mall in Georgetown, or Broad Street in Bridgetown?"[80] Two years later, Mary Eugenia Charles, Prime Minister of Dominica, would remind the graduates "that in all the mass of authorities there is no single mention of a reasonable woman!"[81] Reasonable women in the audience understood this; over time, and as their numbers grew, they would help transform law and its practice. That story, however, mostly unfolds much later in the history of legal education.

Conclusion

McIntosh reminds us that: "To redesign social systems we need first to acknowledge their colossal unseen dimensions."[82] This paper tapped into the worldview of those who raised questions about what a postcolonial legal education might be and set about creating a new program for legal education. They held as axiomatic that students needed to be grounded in West Indian history, culture, and society, as well as international and comparative law. Their

78. Ralph Carnegie, "Legal Education in the West Indies: Origin and Present Status," in *Report on the Workshop on Legal Education in the Caribbean* (St. Augustine, Trinidad and Tobago: Collection of the Hugh Wooding Law Library, 1977), 111.
79. Castagne, "Legal Education and the West Indian Lawyer: Past, Present, and Future," 18.
80. J.C. Gonsalves-Sabola, "Presentation Address, October 10, 1981," Hugh Wooding Law School, *15th Anniversary: Hugh Wooding Law School, 1973–1988,* 41.
81. Mary Eugenia Charles, "Presentation Address, October 8, 1983," Hugh Wooding Law School, *15th Anniversary: Hugh Wooding Law School, 1973–1988,* 52.
82. Peggy McIntosh, "White Privilege: Unpacking the Invisible Knapsack," in Paula S. Rothenberg (ed.) *Race, Class, and Gender in the United States: An Integrated Study* (New York: Worth Publishers, 2004), 192.

foundational vision instantiated what Scott refers to as the "romantic" narrative of anti-colonialism, "a narrative of resistance and liberation," that guided the historical era when the law schools were conceived.[83] The design was hegemonic in its faith in the rule of law and lawyers, but also counter-hegemonic for its time in its quest to make law meaningful and operative within and across the local and the global. The project was to make a new subject, a postcolonial West Indian lawyer, maker of "West Indian law," an instrument of social change and transformation that instantiated a West Indian identity.[84]

During the course of implementation and practice, of course, visionary plans are subject to actors' longstanding assumptions and pre-dispositions, to re-interpretations, to economic realities, and to unforeseen developments. Postcolonial lawyers, I have argued, were made in the process I have called subjection, a process that creates new categories of persons and rearranges existing structural formations, but tempered always by existing disciplinary, institutional, and juridical forms and forces. In this case, the hierarchical principles that organize secondary and tertiary education in the West Indies meant that some students had advantages that others did not, that privileges associated with class and race were sustained, and that women would need time to achieve equity in law school enrollment. As the region developed systems of free public education, scholarships, and political and legal reforms, Afro-Caribbean and Indo-Caribbean peoples moved into the legal profession alongside elite whites—men before women. That women would reach parity, and even exceed the number of men accepted into law, could not have been foreseen by the founders. Their movement into education, law, and other professions has had critical consequences for human rights throughout the region,[85] although the larger story of their accomplishments remains to be written.[86] Moreover, despite its ironies and contradictions, West Indian legal education put to the test what respect and reciprocity between nations might mean. The early history of legal education is thus a contribution to the broader study of the development of Caribbean education more generally, and raises important issues about decolonization in the context of increasing globalization. As Santos suggests, "Learning from the South is thus no vain slogan. It is an invitation to a de-Westernized, decentered conception of globalization and what it means as a civilizing process."[87]

83. Scott, *Conscripts of Modernity*, 7–8, 96.
84. Robinson, "A Caribbean Common Law," forthcoming.
85. See, for example, Alice Colon and Rhoda Reddock, "The Changing Status of Women in the Contemporary Caribbean," in Brereton (ed.) *General History of the Caribbean*, Vol. 5. *The Caribbean in the Twentieth Century*, 465–505; Mindie Lazarus-Black, "The (Heterosexual) Regendering of a Modern State," *Law & Social Inquiry*, no. 4 (2003):979–1008; Mindie Lazarus-Black, *Everyday Harm*; and Patricia Mohammed, "Women's Responses to the 70s and 80s in Trinidad: A Country Report," *Caribbean Quarterly* 35, nos. 1 and 2(1989):36–45.
86. Campbell, "Education in the Caribbean, 1930–90," 624.
87. Santos, *Toward a New Legal Common Sense: Law, Globalization, and Emancipation*, 189.

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