



The many beginnings of Philip Aneurin Thomas

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INTRODUCTION

The articles in this special issue pay tribute to the many achievements of Philip Aneurin Thomas or just ‘Phil’ as he is known to so many of us. When I was asked to write a biographical account of his life I was struck by how many beginnings Phil had been involved in and how many of them have been critical to the history of socio-legal studies and legal education in the UK. His early exposure to American realism and pedagogy, indigenous law and educational experiments in East Africa made him part of an important group of scholars who brought new ways of thinking about law and the Law School to the UK in the 1970s. In turn these experiences fueled an interest in prompting a fundamental shift in thinking about what constituted legitimate topics for study in English and Welsh law schools. His involvement in other beginnings is reflected in his early scholarly contributions to the newly emerging fields of legal education, civil liberties, and discrimination. In addition to his contribution to scholarship and teaching Phil was also there at the beginning of the socio-legal movement in the UK and has made a major contribution to the multi-disciplinary research environment that socio-legal scholars now take for granted. The institutions he was instrumental in establishing and nurturing, most notably the Socio-Legal Group, the *Journal of Law and Society*, the Socio-Legal Studies Association and Cardiff Law School, have created a strong sense of collective identity and community for those of us who regularly read this journal. Other contributors to this collection will explore particular achievements in more depth. In this introductory biography, I focus on what prompted his interest in, and commitment to these projects. While many of his achievements and publications remain a matter of public record, this article looks at another type of beginning; his upbringing, education and early life. It does so in an attempt to understand what made him into the scholar and institution builder that he was to become.

The research conducted for this article has taken me on an interesting journey around the literature relating to Welsh education, politics and culture, the state of legal education in the post war period and the history of socio-legal studies in the UK and elsewhere. More importantly, it has been informed by over six hours of interviews conducted with Phil and a regular email exchange with him over the summer of 2020.¹ Our conversations took the form of life story interviews which focused on the influence of family, upbringing, education, role models and early experience on the formation of his socio-legal identity. This method enabled Phil to share his understanding of what happened and why in his own words, against a backdrop of other broader accounts of societal trends supplied by the existing literature in the field. Phil’s stories, of which there are many that have not been repeated in this article, sent me in new directions as the full ambit of his life experiences began to take shape. It soon became clear that his personal and academic trajectory could not be fully understood without

¹ These were conducted on 27th June 2020 (2.5 hours), 3rd July 2020 (2 hours) and 24th July 2020 (2hours) Because of the COVID-19 pandemic they had to be conducted remotely using Office Teams video and audio link. With Phil’s permission they were also audio recorded.

an understanding of the importance of him being Welsh and a committed socialist has played on his political, intellectual and pedagogic perspective, ambitions and achievements. The story which unfolds in the sections that follow ends at the point at which Phil became an established scholar.

BETWIXT AND BETWEEN: THE POSH BOY FROM THE WELSH VALLEYS

Margaret Thomas (nee Lewis) gave birth to Philip Aneurin Thomas in 1940 at the white detached house in Ludlow Street in the small market town of Caerphilly² that his father, Aneurin Thomas had purchased for £250. These simple facts are of considerable importance to the account which follows; reflecting a betwixt and between upbringing in which Phil enjoyed the privilege of being from a middle class family that owned their own home while being acutely aware of his connections to the working class mining communities of South Wales that dominated the culture and politics of the region. The world in which Phil grew up was also sandwiched between the tightly knit communities of the valleys, where his father's family had strong connections, and the more urbane attractions and affluence of the city of Cardiff less than 10 miles away from which his mother's family hailed. While his father was a teacher and his mother a book keeper in Howells Department store in Cardiff, his upbringing was also shaped by the close associations of his families with the mining industry.³ The fact that Phil's immediate family history was one of upward social mobility on his father's side and downward social mobility on his mother's side meant that he enjoyed privilege whilst being aware of the deprivation experienced by his relatives.

Phil's father was born and raised at the top of the Rhymney valley in the welsh speaking pit village of Fochriw. His paternal grandfather, David John Thomas, started his working life as a 'door boy' in the ventilation section of the local pit at 13 years of age. He was later to recount that he went to work in the dark, worked in the dark, came out of the ground in the dark and lived his life in the dark. But his grandfather had ambitions. After a period of self-education at the Miners' Institute library, he left life in the colliery and began to work for the Bristol and West insurance company. In doing so he took the first step in improving the economic lot of the family from which his son Aneurin and grandson Phil were to benefit. A second step was his marriage to a primary school teacher who worked in Pontlottyn.

Self-education as a route to better living conditions is in some senses a peculiarly Welsh story. Historians have identified the Welsh working classes as great readers, a characteristic that has been attributed to a genuine recognition and appreciation of the value of reading and education to personal and communal progress. It has been argued that this was facilitated by an environment in the valleys in which there existed an informed knowledge of what was available to be read and in which access to reading matter⁴ was provided by the Miners' Institute Libraries and the Sunday school movement. Both institutions have been seen as a distinctive and important symbol of collective culture and ambition in South Wales mining

² Phil remembers Caerphilly in the 1950s and 1960s as a market town serving the local valleys and those who did not want to go to Cardiff. In the first national census after Phil's birth the town had a population of just over thirty-five thousand and spanned just under fourteen thousand acres (General Register Office, 1951).

³ There were miners in his paternal family and his maternal grandfather was in the merchant navy where his main cargo was wood for pit props for the Welsh coal mines from Scandinavia.

⁴ C. Baggs, 'How Well Read Was My Valley?: Reading, Popular Fiction, and the Miners of South Wales, 1875-1939', (2001), *Book History*, 4(1), pp.277-301.

communities from the late 1860s onwards.⁵ Lacking the substantial middle-class stratum found in other industrialized areas, the network of over a hundred miners' institutes were genuine working-class facilities which were largely funded, run, and managed by the communities in which they were situated. The non-conformist religious traditions of Wales the social isolation of mining villages and working conditions which focused on dependence on your peers were also said to have prompted a belief in collective self-improvement in mining communities.⁶ As Baggs has explained, Welsh nonconformity was fundamentally democratic in nature, relying on highly integrated local communities for its leadership, organization, and finance rather than the local authority grants and initiatives enjoyed in less isolated areas of the UK.⁷

Phil's father Aneurin Thomas benefited from the achievements of David Thomas by winning a scholarship to the Lewis school at Pengam in the Rhymney Valley. He went on to train as a teacher, a role for which he felt he had a strong vocation.⁸ Aneurin proved successful in his career choice and Phil recalls that he was admired for his proven ability to train boys to, and sometimes beyond, their scholastic limits to pass the 11+ entrance examination. In time Aneurin became the headmaster of Trecenydd junior school in Caerphilly. The family enjoyed considerable financial stability as a result of Aneurin's job and their finances received a boost as a result of the double life he led as an award-winning bandleader and musician who enjoyed a financial interest in three local dancehalls. As Phil remembers:

He had a dual life in that his day-time job was as a respectable teacher in a dark suit but in the evenings he changed into a red jacket and matching bow tie for casual dances or white tie and tails for Hunt, County and Police Balls. They also played for American officers in Brecon and Sennybridge and this ensured that the term 'food rationing' had little impact on our kitchen or lifestyle.

The family lived in the top part of Caerphilly with other middle-class professionals and shopkeepers, forming part of what Phil has referred to as "...a nexus of informal social control." The local police officers would walk the family Great Dane during their night patrol as a favour to the family, his father knew the local MP well and Phil was known as 'Aneurin Thomas' son' at a time when being a local headmaster carried considerable social prestige. Phil recalls bouncers at one of his father's dance halls, in the rougher valley town of Bargoed, following him around the premises in case the 'posh' son of the boss got in trouble with the local working class lads. Phil gained considerable benefit from his father's financial success and generous nature. During childhood he remembers weekly trips to the bookstore where he was encouraged to choose any book he liked to take home. Later, when he was at University, he enjoyed benefits that many of his fellow students could not afford including a regular supply of sports cars.

Despite these many advantages, it would have been difficult to grow up in the Welsh valleys in the 1940s and 1950s without being aware of the conditions and culture of the local working class families. Caerphilly sits at the bottom of the Rhymney valley, one of a

⁵ H. Francis and S. Williams, *Do miners read Dickens? Origins and progress of the South Wales Miners' Library 1973–2013*, (2015).

⁶ Phil was brought up as a Welsh Baptist. The minister of his chapel was an immediate neighbour.

⁷ C. Baggs, "'The whole tragedy of leisure in penury': The South Wales miners' institute libraries during the Great Depression" (2004) *Libraries & Culture*, 39(2), pp.115-136.

⁸ Aneurin's five younger sisters, Edith, Fona, Gana, Miriam and Myvanwy all trained as nurses.

collection of valleys in South Wales which were synonymous with the coal mining industry.⁹ The southern mouths of the valleys where Phil grew up were more affluent because of their proximity to Cardiff and there was no working coalmine in Caerphilly during his time there,¹⁰ but many settlements in the region continued to function around a working mine with nearly every town or village having at least one colliery.¹¹ Fochriw, which Phil visited frequently to spend time with his Uncle Emlyn, was no exception.¹² Although there were alternative avenues for employment in Caerphilly town in the 1940s and 1950s, the industrial landscape continued to be dominated by mining and quarrying followed by engineering and ship building.¹³

No one with a family who hailed from the Welsh valleys could be unaware of the mercurial economic and social history of the valleys and the coal mining industry. The industry experienced rapid growth from the 1880s during the industrial revolution, severe contraction during the economic depression of the 1930s, resurgence during the First and Second World Wars when rearmament increased demand for coal, and gradual but irreversible decline during Phil's lifetime. As a report by Merrill and Kitson on the end of coalmining in South Wales makes clear:

When demand for coal was high, mining companies prospered and their workforce and families survived albeit often at subsistence levels. When the demand for coal declined, the pits closed, workers were laid off and, as in South Wales during the 1930s, there was severe poverty, destitution and outward migration (p1).¹⁴

Although Phil's early life was not that of the average resident of the Rhymner valley he was sensitive to the conditions of mining families. His uncle Emlyn's father had died underground in a colliery and as a child Phil was aware of talk of retired miners having to stop for breath or having to go to the miners hospital in Porthcawl because of diseased lungs caused by the frequent inhalation of coal dust. Caerphilly was not clearly segregated on class grounds and his family lived very close to much poorer families. His awareness of the plight of the disadvantaged was particularly acute at school. The children who failed the 'eleven

⁹ The valley is home to a number of villages and two larger towns: Caerphilly and Bargoed ..

¹⁰ In the second half of the nineteenth century there were ten coalfields operating in the Caerphilly area two of which, the Rhos Llantwit Colliery and Energlyn Collieries, were situated in what is now the Centre of the town. See further H.P Richards, *A History of Caerphilly*, (1975). By 1950 the number of mines had declined and by the time Phil was attending primary school many of the locals were employed in light industry. See further: H. Simons, *40 Years on: A History of Caerphilly Higher Elementary, Secondary, Boys' Secondary, Boys' Grammar Schools 1912-1953*, (1985).

¹¹ They were closer to the port of Cardiff while the more isolated and inaccessible northern reaches of the 'Heads' of the Valleys suffered far worse from depopulation and the economic consequences of colliery closure. See further T. Merrill, and L. Kitson, *End of Coal Mining in South Wales: Lessons learned from industrial transformation* (2017), <https://www.iisd.org/sites/default/files/publications/end-of-coal-mining-south-wales-lessons-learned.pdf> Last accessed June 2020.

¹² Phil's uncle had an interest in the natural world and would take Phil rambling and fishing in the Brecon Beacons. Emlyn Evans went on to become head of geology at the National Museum of Wales.

¹³ Of 9,965 working males 3,522 were employed in mining and quarrying and 1,004 in engineering, shipbuilding and electrical goods. General Register Office, *Census 1951, England and Wales, Industry Tables*, (1951).

¹⁴ T. Merrill, and L. Kitson, *End of Coal Mining in South Wales: Lessons learned from industrial transformation* (2017), <https://www.iisd.org/sites/default/files/publications/end-of-coal-mining-south-wales-lessons-learned.pdf> Last accessed June 2020.

plus' commonly started their working lives at fifteen in the local coal mines or as apprentice carpenters, brick layers, plumbers, electricians or painters. In his words:

“Passing or failing the examination was not simply a fortuitous event on a day but ...life shaping...such was the impact on their lives determined by that intransigent selective exercise. Thankfully, this brutal discriminatory process was ultimately alleviated by the introduction of comprehensive education.”¹⁵

With his father as a coach, Phil was successful in passing the eleven plus and gaining a place at Caerphilly secondary grammar school where he continued to mix with working class boys.¹⁶ The role that grammar schools played in facilitating the social mobility of those lucky enough to gain entry could be considerable. This particular school appears to have benefited from the support of a number of cultured and knowledgeable parents and the welsh nonconformist tradition.¹⁷ Data collected by one of Phil's former English teachers, Henry Simons, about the pupils who took A-levels at the school between 1946-1957, reproduced in Table one, shows the difference in occupation between fathers and sons who attended the school from 1946-1957. This demonstrates a significant shift from skilled manual to managerial and executive occupations from one generation to the next.

Occupational category	Fathers	Sons
Professional, Higher Administrative	2	17
Managerial and Executive	4	70
Inspectorial, Non-manual higher grade	12	7
Inspectorial, Non-manual lower grade	8	0
Skilled manual	40	0
Semi-skilled manual	28	0
Unskilled manual	0	0
Total	94	94

*Table 1: Occupational category of Caerphilly Grammar school pupils and their fathers 1946-1957*¹⁸

Despite the opportunities afforded working class pupils, Phil was painfully aware of the way in which class continued to play out in the day to day life of the School. Several pupils had to leave school at 15 years of age because their families needed them to earn a wage, and one boy came to school in wellington boots because his parents could not afford shoes. The poorer children also found it much more difficult to keep pace with the syllabus. Reflecting on the period Phil has concluded that: “These were circumstances I was aware of, did not like, but was part of.” Sensitivity to the needs of the disadvantaged or marginalised was

¹⁵Philip Thomas, ‘Family Story 2’ (2020), one of series of accounts of parts of his life compiled by Philip Thomas and distributed to his friends. In 1973 Caerphilly Boys’ Grammar School became a Comprehensive School. See further A. Richards, *A History of Caerphilly*, (1975).

¹⁶ Only a third of the 400 hundred pupils who attended the school were second generation secondary school entrants. The eleven plus was an examination which determined whether a child attended the more academic grammar schools or a more practically orientated secondary modern school. It was generally taken when children were eleven years of age.

¹⁷ H. Simons, *40 Years on: A History of Caerphilly Higher Elementary, Secondary, Boys’ Secondary, Boys’ Grammar Schools 1912-1953*, (1985). This is reflected in the fact that of the 95 students who passes A levels during the period 1946-56 49 went on to teach at Universities, Colleges and Schools.

¹⁸ H. Simons, *40 Years on: A History of Caerphilly Higher Elementary, Secondary, Boys’ Secondary, Boys’ Grammar Schools 1912-1953*, (1985).

however to find expression in the choices he was to make about the sort of academic he chose to be and the type of research he felt it was important to undertake.

BORING AND UNIMPRESSIVE: UNIVERSITY LIFE

In common with about a third of his contemporaries at Caerphilly grammar school Phil used his grammar school education as a springboard to gain a place at University and benefited from the postwar expansion of the British University sector.¹⁹ It is fair to say that he rather drifted in to the study of law. He gained a place at the newly established and experimental university at Keele but plans to move so far away from home were abandoned when his mother fell ill with terminal cancer. Choosing to stay at home so that he could help to look after her in the final months of her life, he enrolled at University College Cardiff. He selected English as his major subject with a view to becoming a journalist but also took courses on Welsh History and Law in his first year. The English course failed to inspire him, focused as it was on 'Norse, Anglo-Saxon and a bit of Chaucer to bring it up to date' and he transferred to Aberystwyth to study law which he considered 'alright' in comparison with English and History.²⁰ He was to stay at Aberystwyth to study for both an LLB and an LLM.

The way law was taught at Aberystwyth did little to inspire further enthusiasm for the subject, though Phil admits to not being a particularly diligent student. It is with characteristic good humour that when I asked him whether there was anything he would change about his life his immediate riposte was 'I would have studied more at Aber....no ...I would have studied at Aber!' While he acknowledges that the faculty was made up of an impressive array of lecturers the fact that they were male, white and largely a product of Oxford was a problem. He recalls that it was only Harry Calvert who inspired him in the Company Law course he ran:

Other lecturers were all saying the same thing, restricting their analysis to statutes and cases. It was, quite frankly, totally boring and unimpressive! I was fortunate that a classmate from Caerphilly was one year ahead of me and was assiduous in taking detailed notes in all the lectures. He lent them to me and I got through.

In his later publications Phil went on to criticise teaching models of this kind that relied on teacher monopolization, secondary sources, expository attitudes and narrowness in scope.²¹ These evaluations also reflect a broader disenchantment with legal education which began to

¹⁹ Phil's first cousin David was the first person in the family to attend University. Of the 64 students who entered Caerphilly grammar school in 1946, 25 were to go on to University: H. Simons, *40 Years on: A History of Caerphilly Higher Elementary, Secondary, Boys' Secondary, Boys' Grammar Schools 1912-1953*, (1985). In 1938-39, there were 50,000 full time undergraduates but this had risen to 104,000 in 1959-60. Growth in Wales was slower with the percentage of University students studying in Wales rising from 5.5 per cent to just 5.9 per cent over the same period: A.H. Halsey, 'Universities' (1962), *European Journal of Sociology e Sociologie / Europäisches Archiv für Soziologie*, 3(1), pp.85-10.

²⁰ At the time Aberystwyth University was the only place in Wales where law could be studied to degree level. Most other universities did not offer law degrees until the 1960s: W. Twining, 'Remembering 1972: The Oxford Centre in the context of developments in higher education and the discipline of law' (1995) *Journal of Law and Society* 22, p.35; D. Sugarman, 'Great Beyond His Knowing': Morton Horwitz's Influence on Legal Education and Scholarship' (2009) in England, Canada and Australia in Transformations in American Legal History – Law, Ideology and methods: Essays in honor of Morton J. Horwitz, 2.

²¹ P.A. Thomas, 'Legal education in Africa: with special reference to Zambia' (1971) *Northern Ireland Legal Quarterly*, 22, pp.3-37 and P.A. Thomas, 'Legal Education: Then and now', (2006) *The Law Teacher*, 40(3), pp.239-253. Phil has long shown an interest in making the study of law accessible to students. See for instance J. Dean and P.A. Thomas, *How to use a law library*, (1987) which went to five editions.

be articulated by others coming through the system.²² For William Twining (1995) UK law schools of the time were parochial and poised uneasily between the world of the university and the world of the profession, 'looked down on by both and falling between stools in terms of objectives and function' (p38). David Sugarman has also argued that the purely doctrinal paradigm that was fashionable at the time followed a tradition established at Oxford and Cambridge and to a lesser extent London University.²³ This was seen as creating an artificial internal coherence in the exposition, systematization and atheoretical analysis of law which removed the discipline from social, political and economic context or social reality; what Bankowski and Mungham were later to call 'schlock law'.²⁴ Significantly, given the future direction of Phil's scholarship, the centrality of private law, legal doctrine, courts and cases was strenuously defended against a possible invasion by the social sciences. Those who criticized this paradigm were in serious danger of being censured during the appointments and promotion process.²⁵

Post-war debates about higher education increasingly began to recognise the importance of both creating a larger educated workforce and a broader and better curriculum for students.²⁶ Early experiments such as those conducted at the University of Keele,²⁷ together with the Committee on Higher Education Report of 1963 (chaired by Professor Lord Robbins) led to the establishment of a wave of new universities including Sussex (1961), York (1963), East Anglia (1963), Lancaster (1964), Essex (1965), Kent (1965) and Warwick (1965) in the immediate aftermath of Phil graduating. These provided new opportunities for young lawyers to explore new ways of teaching law and engaging with students. Innovation was spurred on by new tensions between the Universities and their students. Going to University remained a possibility for a small elite of about 14 per cent of 18-19 year olds but student's fees and living expenses were increasingly funded out of local authority grants leading which meant that higher education began to open up to new types of students.²⁸ Whilst innovation and expansion did not herald a larger proportion of working-class students or women going to University their numbers did increase as did the number of students frustrated with the limited nature of the curriculum and its bourgeois culture. In the political activism of the 'long 1960s' students argued amongst other things for autonomous student unions, free

²² W.L. Twining, *Blackstone's tower: The English law school* (1994); F. Cownie, and A. Bradney, 'An Examined Life: Research into University Legal Education in the United Kingdom and the Journal of Law and Society' (2017) *Journal of Law and Society*, 44, pp.S129-S143; W. Mansell, B. Meteyard and A. Thomson, *A Critical Introduction to Law*, (1995); P. Goodrich, 'Twining's Tower: Metaphors of Distance and Histories of the English Law School' (1995) *University of Miami Law Review*, 49(3-4), pp.901-915; and F. Cownie, *Legal academics: Culture and identities*, (2004).

²³ D. Sugarman, 'Great Beyond His Knowing': Morton Horwitz's Influence on Legal Education and Scholarship in England, Canada and Australia' in *Transformations in American Legal History – Law, Ideology and methods: Essays in honor of Morton J. Horwitz*, (2009).

²⁴ Z. Bankowski, and G. Mungham, *Images of law* (1976) at 32. Schlock is a Yiddish word which means cheap or inferior goods or material.

²⁵ D. Sugarman, 'Great Beyond His Knowing': Morton Horwitz's Influence on Legal Education and Scholarship in England, Canada and Australia' (2009) in *Transformations in American Legal History – Law, Ideology and methods: Essays in honor of Morton J. Horwitz*; D. Sugarman, 'Beyond ignorance and complacency: Robert Stevens' journey through Lawyers and the Courts' (2009) *International Journal of the Legal Profession*, 16(1), pp.7-31.

²⁶ O. Filippakou, and T. Tapper, 'Policymaking and the politics of change in higher education: The new 1960s universities in the UK, then and now' (2016) *London Review of Education*, 14(1), pp.11-22.

²⁷ See further: <https://www.keele.ac.uk/discover/ourhistory/briefhistory/>)

²⁸ Whyte, 2015.

assembly, free speech and greater participation in university decision making.²⁹ Phil was to play a personal role in the growth of radical politics on campus during his time as the President of the Student Union at Aberystwyth. Incensed at the University ban on a bar in the Students Union which would have generated much needed income for their activities, he called a strike which resulted in students not going to lectures and protesting on the sea front in their gowns. Pressure was put on Phil to call an end to the strike when the Vice Chancellor indirectly contacted the minister of the chapel in Caerphilly that the Thomas family frequented, expressing concern that Phil's grades might suffer if the activity continued. In the event Phil's father, a teetotaler, was supportive of Phil's actions once the principle at stake had been explained to him and the attempt to suppress Phil were unsuccessful. In the event, the strike was successful and permission to open a bar in the Students' Union was granted.

SPREADING HIS WINGS

Having decided what he did not like about legal education the next phase of Phil's life exposed him to alternative visions of the scope of law as a discipline and the ways in which it could be taught. Having lived for all of his life in Wales he decided to broaden his horizons through travel and on completion of his LLM he went to America to visit a classmate from Aberystwyth who was studying at Yale. He soon found work as a Research Assistant on a project run by the Forestry History Society of America and moved into a commune on Elm Street where there were regular discussions about communal life and politics. The work he did for the Forestry History Society involved him cataloguing and analysing their archive which included amongst other things materials on the role of the Industrial Workers of the World or 'wobblies,' in the rise of trade unionism in American logging centres.³⁰ Phil was unable to complete the work as a result of needing to leave the country in to avoid the military draft and service in Vietnam. His decision to find work elsewhere brought him into contact with William Twining, who was based at Yale and had been asked to interview Phil for a job he had applied for in Salisbury, Rhodesia. By the time he attended the interview in New Haven, Phil had decided that he did not want the job in light of political events leading up to Rhodesia's universal declaration of independence in 1965. He was however invited to stay for tea and claims to have impressed William with his story of the student strike at Aberystwyth. William suggested that Phil consider taking up a post at the recently established Law School of East Africa in Dar Es Salaam in the newly independent state of Tanzania. After returning to South Wales to marry his girlfriend Ursula in Bargoed, they travelled to Dar Es Salaam by sea in 1965 in order for him to take up a lectureship there.

His experience of the Faculty at Dar Es Salaam, where he and Ursula stayed for two years, was to expose him to very different ways of teaching and interacting with students and the discipline of law from those he has been exposed to at Aberystwyth.³¹ Established in 1961, shortly before British rule came to an end, the purpose of the Faculty was to provide an

²⁹ .C. Hoeffler, *British Student Activism in the Long Sixties* (2013).

³⁰ The 'wobblies' were a revolutionary organization dedicated to controlling the means of production by the workers. See further H. Kimeldorf, *Battling for American labor: wobblies, craft workers, and the making of the union movement* (1999).

³¹ See more generally R. Cocks, 'The new associate member from the University of Khartoum: African dimensions' (2011) *International Journal of the Legal Profession* 18(1-2), pp.109-119, 114; W. Twining 'The English Law Teacher in Africa' (1962) *Journal of the Society of Public Teachers of Law*, 7(2), pp.80-86.

African legal education for indigenous students from the newly emerging independent states of Kenya, Uganda and Tanzania.³² The Faculty was initially affiliated to the University of London external programme and in principle taught the same syllabus. However, the establishment of the School provided an opportunity for innovative materials to be introduced into the syllabus that were sensitive to the aspirations of the newly independent States of East Africa. This was made possible because of political backing from the socialist government and through the recruitment of a number of dynamic young scholars from diverse jurisdictions who became leading advocates for such changes. Among the early expatriate Faculty were A.B Weston, an Australian who served as Dean; William Twinning, Patrick McAuslan, Sol Picciotto, Anthony Bradley, Aubrey Diamond and Simon Roberts from the UK and Ian MacNeil, Jack Hiller and William Whitford from the US.³³

His American colleagues at Dar were to have a particularly profound effect on Phil's ideas about teaching by exposing him to the Socratic method. He also remembers endless discussion of the purpose of the University and law degree:

The law school there was very radical. You cannot exist within that reflexive environment without it having its mark. We were asking what is the function of law? What is the purpose of the University degree? There were lots of intellectual activity and discussion of how to translate our ideas into practice. How do we make things work in a country in which we are guests? How do we handle being a different colour from our students when the abuses of colonialism are so fresh in people's memories? We had to prove to the students that we were there as their equals... I worried a lot about how to engage with people in the classroom and without a doubt I learnt more in Dar than I taught.

When he grumbled to the Dean about the lack of up to date resources in the law library he was encouraged to see it as an opportunity for teaching innovation. Phil recalls he was told:

I don't know what the law is but I do know what the law ought to be and I think that is how you should approach things!

After two years in Dar family illness necessitated a move to a more temperate climate and Phil moved to the University of Zambia in Lusaka where he stayed for a further two years. The Law School curriculum at Zambia was much more traditional than Dar, paid greater attention to English common law than indigenous law and was generally much less stimulating for a young and radical lawyer. However, it also provided scope for reflection about Phil's vision of how law should be studied. In an article he wrote in the *Northern Ireland Legal Quarterly* soon after leaving Zambia he criticised the fact that while the students were able to study Latin and Greek courses, African languages and cultures were not part of the syllabus on offer. Without the radical ambitions of those who set up the Law School in Dar Es Salaam, he argued that local students were offered a law degree of questionable relevance to the most pressing legal problems for new African states such as

³² Editor, 'Faculty of Law in Dar es Salaam' (1961) *Journal of African Law*, 5(2), pp.73-74.

³³ See further: <https://www.udsm.ac.tz/web/index.php/schools/sol/history-of-the-school>

contracts relating to foreign debt, the constitutional significance of unilateral declarations of independence or the significance in the curriculum of tribal grundnorms.³⁴

From Zambia Phil moved back to the United States with the encouragement of his American colleagues from Dar. He was offered places at a range of Universities to study for a second LLM but went to Michigan after he was offered a research fellowship which allowed him to use the research funds available to fund an LLM there. In retrospect he wishes he had taken up the free place offered to him at Berkeley where he feels he would have been more at home. The Michigan law faculty of the time had not yet been 'reconstructed', remained focused on doctrine and like the Faculty at Aberystwyth consisted of people that were overwhelmingly white and male. He also felt the absence of the socialist values on which he had been raised and disliked the 'heavy handed' capitalism which prevailed in the US. When he saw a job advertised at Cardiff he applied for it, was appointed without interview and started working at the university with which he was to be associated with for the next fifty years in 1970.

MOTIVATIONS FOR HIS WORK AND SCHOLARSHIP

It is clear from talking to Phil and studying his publications that two key drivers have continued to motivate him throughout his career in addition to his experiences of teaching in Africa. The first of these is the politics of the left and his conviction that the imperative to be a political animal is in his DNA. Political debate was clearly encouraged in his family from an early age and almost everywhere he visited in the valleys. His grandfather was a local councillor for the Independent Labour Party in Fochriw and would regularly discuss his political career with Phil. When his father made his weekly visit to the 'red' Progressive Bookshop in Caerphilly, he always lingered for an in-depth discussion with the owner. His 'Auntie' Liz, a headmistress was a well-known communist in the 'red' Rhondda valley who regularly convened tea time meetings of local activists. Indeed, she was part of the party that travelled with George Bernard Shaw and Lady Astor when they visited Stalin in Moscow in 1931.³⁵ Phil joined the Labour party at 18 years of age and although he never became a communist he attended local communist party meetings in order to listen to the ideas being debated. In his words:

Political debate was something you were aware of all the time as a boy. People were willing to talk politics in a way that today you talk about football or a TV programme. Politics was part and parcel of everyday life for us. When today they say you shouldn't talk politics for fear of upsetting anyone, in my childhood people would come to our house just to talk about the local and national politics of the Labour party.

The enduring weight of Labour party support in Wales has been of considerable interest to political theorists. In the rest of the UK voting behavior has generally had a strong association with class but this is not the case in Wales where a much higher proportion of the middle classes vote Labour. Research suggests that this is a result of a combination of factors

³⁴ P.A. Thomas, 'Legal education in Africa: with special reference to Zambia' (1971) *Northern Ireland Legal Quarterly*, 22, pp.3-37.

³⁵ For an insight into this fascinating story see: <https://www.nytimes.com/2017/09/11/opinion/why-george-bernard-shaw-had-a-crush-on-stalin.html> last accessed July 2020.

including a non-conformist and radical tradition but also the strong association of Welsh culture with socialist values.³⁶

As a University lecturer political discourse found its way into Phil's pedagogic practice through the way he considered socialist theory and practice to be symbiotic. He has explained that 'I was a political activist, a socialist and have experienced that politics and job always go together' and elsewhere that his 'mission was as political as it was academic'.³⁷ This became part of the attraction of socio-legal studies. David Sugarman recalls that early meetings of the socio-legal group in the 1970s it provided one of the few places where socio-legal scholars of a left wing persuasion could gather:

Almost everyone at the [socio-legal group) was friendly, unpretentious, critical and interesting. Phil was positively gregarious. We'd meet up in the bar ... and Phil was one of those who would hold forth – in Phil's case it was about the state of the Labour Party, the trades union movement, the awfulness of the Tory's, and the ghastly influence of Oxbridge. A lot of time was spent talking politics. We would also dissect (constructively) the conference papers. The serious discussion was leavened by Phil's anecdotes and stories about the US and Africa.³⁸

It was political realism rather than abstract versions of legal history or descriptions of systems which fueled the legal method course he taught at Cardiff.³⁹ In drafting the syllabus he was keen to focus on the circumstances of the 'here and now' which surrounded the students. When it came to designing civil liberties courses he focused on domestic campaigns about the Campaign for Nuclear Disarmament, the Miners' Strike of the 1980s and the politics of the secret state in Northern Ireland rather than international treaties. Reluctant to distinguish between his political life outside of the University and the political life within it, he also made space to talk to students about the work he was doing off campus. This included his work in helping to set up the first UK Law Centre outside of London in Cardiff, his work on the duty solicitor scheme, the telephone legal service for travellers he set up and ran with Luke Clements or the mobile advice centre he established with Nesta Davies from the local Citizen's Advice Bureau which travelled to deprived parts of the valleys where there were no local solicitors. He recalls:

I would talk to the students about these projects. How we had set something up, why we had set it up, why it was necessary. I told them things they could not know from reading law books. When we set up a clinic to offer housing advice and tribunal representation I involved them and used it as an opportunity to talk to them about the idea of McKenzie friends and what it meant to give ordinary people a voice.

The close connection between theory and praxis has also extended to his scholarly work which has focused on related issues around lay representation, the role of lawyers, the operation of the criminal courts and his general arguments about the gap between legal

³⁶ D. Balsom, P.J. Madgwick and D. Van Mechelen, 'The red and the green: patterns of partisan choice in Wales' (1983) *British Journal of Political Science*, 13(3), pp.299-325.

³⁷ P.A. Thomas, and J. Přibán, J., [In conversation with Professor Phil Thomas and Professor Jiří Přibán](https://www.cardiff.ac.uk/research/explore/research-units/centre-of-law-and-society), filmed interview, <https://www.cardiff.ac.uk/research/explore/research-units/centre-of-law-and-society>. Last accessed June 2020.

³⁸ Private correspondence June 2020.

³⁹ For an interesting contemporary analysis and critique of this approach see Z. Bankowski and G. Mungham, 'Warwick University, Ltd (Continued)' (1974) *British Journal of Law and Society*, 1(2), pp.179-184.

rhetoric and reality.⁴⁰ Never has the politics of his scholarship been more apparent than the introductory essay he wrote on “Thatcher’s Will” for a collection of essays on Tomorrow’s Lawyers published in the *Journal of Law and Society*.⁴¹ While Phil claimed in interview that his research has focused on whatever interested him and is rather ‘scattergun’ there is a clear orientation in his work towards exploring the legal system from the perspective of its most vulnerable users.

This commitment to bringing the legal problems experienced off campus into the curriculum and University was matched by a desire to make the insights and achievements of the University known in the wider community. Phil has consistently written publications geared towards audiences outside of the academy including a succession of articles for the *Western Mail* paper, the *New Law Journal*,⁴² *Striking Back*, a book published by the South Wales National Union of Miners and WCCPL.⁴³ He even started a newspaper called the *Writing on the Wall* which focused on threats to civil liberties. One of the achievements for which Phil is most proud are his ‘Town and Gown’ lectures to which he invited prominent thinkers such as J.K. Galbraith, Edward Said, Noam Chomsky, Stephen Pinker, Helmut Schmidt, Helen Suzman, and Steve Jones to deliver public lectures, some of which drew crowds of up to 2,000. Aware of the fact that for many local people universities are perceived to be forbidden territory, he arranged for the lectures to take place in public halls in the city centre. The lecture series reflects a commitment to make Universities work for the greater good rather than a narrow intellectual elite; an argument he made early in his career when reflecting on the role of post-independence African Universities.⁴⁴ As he has since surmised ‘University is always perceived as an ivory tower and I have always fought hard to challenge that description.’

The political activities which have been a prominent part of who he is have at times come at a cost. His politics have brought him to the attention of special branch and the police. When he set up the Welsh Campaign for Civil and Political Liberties (WCCPL) with Penny Smith and Sian Edwards he worked on the basis that his phone was being tapped. The publication of ‘Operation Fire’ which was an analysis of the burning of second homes in Wales, his frequent media appearances, the training programmes he ran with Penny Smith on civil liberties and the pamphlets they published brought them to the attention of the local police on

⁴⁰ See for instance: P.A. Thomas and G. Mungham, ‘The Lay Advocate’ (1974) *Anglo-American Law Review*, 3(1), pp.7-28; A.A. Block and P.A. Thomas, ‘Beyond the Court Room Door: Politics and the Court’ (1984) *Australian Journal of Law and Society*, 2(1), pp.110-128; P.A. Thomas, ‘Plea bargaining in England’ (1973) *The Journal of Criminal Law and Criminology* 69(2), pp.170-178; S. Field and P.A. Thomas ‘Justice and Efficiency? The Royal Commission on Criminal Justice’ (1994) *Journal of Law and Society*, 21(1), pp.1-19; G. Mungham and P.A. Thomas, ‘Advocacy and the Solicitor-Advocate in Magistrates’ Courts in England and Wales’ (1979) *International Journal of the Sociology of Law*, 1 p.169; P.A. Thomas and G. Mungham, ‘Solicitors and clients: Altruism or self-interest’ (1983) *The sociology of professions*, 131, p.151.

⁴¹ P.A. Thomas, ‘Thatcher’s Will’ (1992) *Journal of Law and Society*, 19(1), pp.1-12.

⁴² See for example R. East and P.A. Thomas, ‘Stopping the Miners’ (1985) *New Law Journal* p.63; G. Mungham and P.A. Thomas, ‘Duty Solicitor Schemes: In Whose Interest?’ (1977) *New Law Journal*, pp.324-25; P. Smith and P.A. Thomas, ‘The Duty Solicitor Scheme: Distribution of Criminal Work’ (1978) *New Law Journal*, pp.324-26 and R. Costigan, J. Sheehan and P.A. Thomas, *The Human Rights Act 1998: an impact study in South Wales*, (2004).

⁴³ Welsh Campaign for Civil & Political Liberties and South Wales NUM *Striking Back* (1985).

⁴⁴ P.A. Thomas, ‘Legal education in Africa: with special reference to Zambia’ (1971) *Northern Ireland Legal Quarterly*, 22, pp.3-37.

a regular basis. When two students admitted that they had been asked to spy on him on behalf of the police his response said much about his conception of the role of the university:

Universities are places where you would expect to hear different ideas, radical ideas, and as a taxpayer I expect to see special branch officers hanging around here. What else are they going to do?

The second major thread that has run through his career has been his commitment to Wales. Sociologists have argued that there is a strong tendency amongst the people of Wales to express a sense of identity and belonging which is closely relate to a particular place or locale (Day, 2010).⁴⁵ Reflecting on his return to Wales after his time in the US and Africa Phil has since said ‘I am from Caerphilly. I never wanted to leave. This is my home and my commitment.’⁴⁶ Claiming that North and even mid-Wales are largely unknown territory to him, hard to reach and with their own cultures, this connection to place is even more localized that just being Welsh; it is about being from Southern Wales and the valleys in particular. Reflecting on the issue in interview he claimed:

Southern Wales is where I feel comfortable. It is where I feel I belong, it creates that sense of hiraeth⁴⁷ when I am away, a feeling that this is who I am, this is who I want to be. It’s enough.’

It is significant in this context, that many of Phil’s publications focus on access to justice in Wales or Welsh education.⁴⁸ When he has been encouraged to apply for jobs in Universities outside of Wales he has refused, claiming that his wanderlust has been satisfied by his time in Africa, the frequent trips abroad he has taken in the course of academic life and in his role as International Director of Student recruitment for Cardiff University law school.

Phil’s commitment to both the valleys and socialism fell on particularly fertile ground during the miners’ strike of the 1980s. In his words: ‘It reminded me of my heritage and the importance of coal in the history of my part of Wales and the valleys. Cardiff is what it is because of coal.’ During 1984 he worked closely with the National Union of Miners in Pontypridd raising money, delivering food to striking families in the Swansea valley and giving free legal advice. Together with Penny Smith, he led a team of volunteers organizing interviews at local miner’s lodges and creating an oral history collection which has been preserved as part of a sound archive at Swansea University. He also compiled a special issue of the *Journal of Law and Society* on the issues raised by the strike to which he contributed a co-authored article on mass picketing.⁴⁹

⁴⁵ G. Day, *Making sense of Wales: A sociological perspective* (2010).

⁴⁶ P.A. Thomas and J. Přibáň, [In conversation with Professor Phil Thomas and Professor Jiří Přibáň](https://www.cardiff.ac.uk/research/explore/research-units/centre-of-law-and-society), filmed interview, <https://www.cardiff.ac.uk/research/explore/research-units/centre-of-law-and-society>. Last accessed June 2020.

⁴⁷ This welsh word means a longing for Wales, see further the Pocket Modern Oxford Welsh Dictionary: Welsh-English, Edited by Gareth King (2000).

⁴⁸ See for example: A. Rees and P.A. Thomas, ‘Welsh law schools and tomorrow’s lawyers’ (2000) *Cambrian Law Review*, 31, pp.73-87; P. Smith and P.A. Thomas, *Evidence to the Royal Commission on Legal Services: The Duty Solicitor Scheme in the Cardiff Central Charge Unit, 1977* (1978); P.A. Thomas and A. Rees, ‘Law Students – Getting In and Getting On’ in *Discriminating lawyers* (2000) edited by P.A. Thomas.

⁴⁹ See further R. East, H. Power and P.A. Thomas, ‘The death of mass picketing’ (1985) *Journal of Law and Society*, 12(3), pp.305-319. On the miners’ strike see also P.A. Thomas, H. Power and R. East ‘The British

These various activities reflect a highly politicised way of being a law and society scholar that Phil has lamented as being less evident today as the movement that has become a very broad church:

One of the dangers of socio-legal studies today is that it does not have such a clear identity as an 'alternative.' I can hear papers being given at the SLSA conference which could just as easily fit in the Society of Legal Scholars conference. Somehow I feel that our work as a community has less bite than it used to be. There is a need in my view to return to our identity as critical socio-legal scholars.

While many contemporary law and society scholars would characterize their work as being distinct from that of critical legal scholars, the overlap was often less obvious in the early years of the socio-legal movement which was more closely related to the critical legal studies movement by reason of a shared commitment to left-wing politics. Significantly, Phil was the author of the only chapter which drew on empirical research in Bankowski and Mungham's iconic critical text *Images of Law*. Alan Hutchinson has also argued that in comparison to developments in the US the *Journal of Law and Society* has provided a forum for critical and Marxist scholarship. Indeed, the editorial that Phil penned for the first issue of the journal stressed that, although it was anticipated that the journal would find space for empirical work, the primary intellectual aim of the journal was to develop a strong social theoretical basis for the study of law⁵⁰ A number of authors that many would now identify as founders of the critical legal studies movement in the UK were published in the early years of the journal.⁵¹

CONCLUSION

There can be no conclusion to a partial biography of an important life because it remains unfinished. I have touched upon the first thirty years of Phil's life because it is a period that most readers of this journal are likely to be less familiar with. There is much that remains to be said about Phil. The chances he has given young scholars, his nose for a good article, the time he has given to so many of us as an informal mentor, his ability to hold court in drinking establishments, his enormous generosity and his awful jokes. What I have tried to focus on in here is his motivation and institution building work. It is just a beginning in our understanding of the enormous contribution he has made to our community. I leave it to other articles in this collection to elucidate in more depth. For now, the last word as always, go to Phil:

...we no longer suffer from the same tunnel vision about law as when I set out. The work that we were doing and the interests that we had reflected our role as explorers. An explorer is seeking the new because the old is already established. We have made names for ourselves by challenging the boundaries of our discipline. Boundaries are

Miners' Strike', (1985) *Windsor Yearbook Access to Justice*, 5, pp.181-229; and R. East and P.A. Thomas 'Road blocks: The experience in Wales' in *Policing the Miners' Strike*, edited by R. Fine and R. Millar.

⁵⁰ P.A. Thomas, 'Editorial', (1974) *British Journal of Law and Society*, 1(1), pp.1-2.

⁵¹ See for instance the special issue of the journal dedicated to critical legal studies edited by P. Fitzpatrick and A. Hunt, (1987) *Journal of Law and Society*, 14(1) pp.1-19; P. Goodrich, 'Law and language: An historical and critical introduction' (1984) *Journal of Law and society*, 11(2), pp.173-206; C. Douzinas and R. Warrington, 'On the deconstruction of jurisprudence: Fin (n) is Philosophiae' (1987) *Journal of Law and Society*, 14(1), pp.33-46; M. Cain, 'Rich Man's Law or Poor Man's Law?' (1975) *British Journal of Law and Society*, 2(1), pp.61-66.

not fixed, they are transient. People have used the notion of a discipline to put up walls. Those walls keep people out and they keep people in, but there are gates that appear when people begin to be more fluid about what constitutes law.

To be continued...