

Judah Benjamin: an émigré barrister and international law

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In January 1866 the Benchers of Lincoln's Inn received an extraordinary application for admission from Judah Benjamin, former Confederate Secretary of State and self described political exile. The Benchers not only admitted Benjamin but remitted almost all his terms and he was called to the Bar after only a term. While Benjamin was to remain in exile for the remainder of his life, he was also to reach the pinnacle of the English Bar. He was considered by English contemporaries to be one of the greatest barristers of the nineteenth century. His appearances before appellate courts were both considerable and varied in subject. Benjamin brought a unique set of skills and experiences to the Bar. He had extensive legal experience before the United States Supreme Court and had also acquired a thorough knowledge of civil law in his home state of Louisiana. While in New Orleans, he had acquired an expertise in private international law. As the Confederate Secretary of State responsible for foreign affairs, Benjamin was involved in the international relations of the Confederacy. Uniquely, Benjamin was also to act as counsel in the cases brought by the United States to claim Confederate property in the United Kingdom.

This paper is concerned with the impact that Judah Benjamin, as an émigré lawyer, had on the development of international law. The paper examines the skills and expertise Benjamin brought with him from America and how he employed these as a barrister before English appellate courts. An exploration is made of the attitudes held by British contemporaries towards Benjamin and how Benjamin adapted to practise in the English legal system. The primary purpose of the paper is concerned with an assessment of Benjamin's impact upon public international law, private international law and the law pertaining to international trade in the late nineteenth century.